

# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

April 23, 2014

Mayor Philip Levine  
Vice-Mayor Micky Steinberg  
Commissioner Michael Grieco  
Commissioner Joy Malakoff  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales  
City Attorney Jose Smith  
City Clerk Rafael E. Granado

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the City Attorney's Office.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Meeting called to order at 8:33:32 a.m.

Inspirational Message led by Pastor Robert Fountain of Calvary Chapel located in North Beach.

Pledge of Allegiance given by Sally Heyman, Miami-Dade County Commissioner.

**9:44:06 a.m.**

Rafael E. Granado, City Clerk, announced items separated, withdrawn and/or added.

The City Commission will recess for lunch at approximately 12:00 p.m.

### **ADDENDUM MATERIAL 1:**

C4R, R9W, R9X, R9Y

### **ADDENDUM MATERIAL 2:**

R9Z

### **NEW MATERIAL DISTRIBUTED AT THE DAIS:**

R9AA

**SUPPLEMENTAL MATERIAL 1:**

R5G Memorandum & Ordinance  
R5U Ordinance  
R5V Ordinance  
R5W Memorandum & Ordinance

**SUPPLEMENTAL MATERIAL 2:**

C4O Proposed Amendment No. 2  
R9F Memorandum from Ricky Arriola, Chair of the Mayor's Blue Ribbon Panel on North Beach

**SUPPLEMENTAL MATERIAL 3:**

R5Q Ordinance  
R5Z Memorandum & Ordinance  
R7P Resolution

**SUPPLEMENTAL MATERIAL 4:**

C2A Memorandum - Including Page 2  
C7E Covenant In Lieu of Unity of Title  
R5S Ordinance  
R5W Updated Memorandum & Ordinance  
R7M Memorandum  
R7P Redline Version & Final Version  
R9L Additional Information  
R9Y Resolution

**Presentations and Awards**

Presentations and Awards Meeting will take place on April 30, 2014.

**ADDENDUM**

**ACTION:** Motion made by Commissioner Weithorn; seconded by Commissioner Wolfson to add items C4R, R9W, R9X, R9Y, R9Z and R9AA to the Commission Agenda; Voice-vote: 7-0.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Weithorn; seconded by Commissioner Wolfson to approve the Consent Agenda, excluding the separated items; Voice-vote: 7-0.

**SEPARATED ITEMS:**

C4H, C4L and C4M by Mayor Levine  
C4L by Commissioner Grieco  
C6C and C4R by Commissioner Malakoff  
C7S by Vice-Mayor Steinberg  
C4N and C7E by Commissioner Tobin  
C7I by Commissioner Weithorn

**C2 - Competitive Bid Reports****SUPPLEMENTAL MATERIAL 4: Memorandum - Including Page 2**

- C2A Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) No. 2014-187-SR For Design-Build Services For Neighborhood No. 8: Central Bayshore - South Right-Of-Way Infrastructure Improvements.  
(Capital Improvement Projects/Procurement)

**ACTION:** Request approved. **David Martinez and Alex Denis to handle.**

- C2B Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) No. 2014-143-LR For A Web-Based Training System.  
(Fire/Procurement)

**ACTION:** Request approved. **Chief Fernandez and Alex Denis to handle.**

- C2C Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2014-176-LR, For Rental Vehicles.  
(Police/Procurement)

**ACTION:** Request approved. **Chief John Buhrmaster and Alex Denis to handle.**

- C2D Request For Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.  
(Procurement)

**ACTION:** Request approved. **Alex Denis to handle.**

- C2E Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) No. 2014-115-SR For Professional Engineering Consulting Services To Design The New West Avenue Bridge Over Collins Canal.  
(Public Works/Procurement)

**ACTION:** Request approved. **Eric Carpenter and Alex Denis to handle.**

- C2F Request For Approval To Issue Invitation To Negotiate (ITN) No. 2014-215-LR For Bandshell Management Services.  
(Requested by the Mayor's Blue Ribbon Panel on North Beach)  
(Parks & Recreation/Tourism, Culture & Economic Development/Procurement)

**ACTION:** Request approved. **John Rebar, Max Sklar and Alex Denis to handle.**

- C2G Request For Approval To Negotiate And Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2014-136-SR For The Reconstruction Of Surface Parking Lots 12X & 17X.  
(Capital Improvement Projects/Procurement)

**ACTION:** Request approved. **David Martinez and Alex Denis to handle.**

#### **C4 - Commission Committee Assignments**

- C4A Referral To The April 25, 2014 Neighborhood/Community Affairs Committee - Discussion Regarding The Implementation Of A Memorial Plaque Program.  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Item referred. Vania Pedraja to place on the committee agenda. **City Attorney's Office to handle.**

- C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding Adoption Of An Updated Strategic Plan For The Cultural Affairs Program, To Include Utilization Of Fillmore Community Benefit Fund, Cultural Arts Council Endowment, And Cultural Affairs Program Fund Balance Funds For Greater Cultural Benefits For Residents And Visitors.  
(Tourism, Culture & Economic Development Department)

**ACTION:** Item referred. Patricia Walker to place on the committee agenda. **Max Sklar to handle.**

- C4C Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding An Evaluation Of The Calendar Of Annual Special Events And The Impact On Quality Of Life.  
(Tourism, Culture & Economic Development)

**ACTION:** Item referred. Vania Pedraja to place on the committee agenda. **Max Sklar to handle.**

- C4D Referral To The Finance And Citywide Projects Commission Committee - A Discussion Regarding Whether Or Not To Renew The Lease Agreement ("Lease") Between The City Of Miami Beach, Florida ("City") And Mystery Park Arts Company, Inc. ("SOBE Arts"), Having An Initial Term Of Five (5) Years, Commencing On January 13, 2010 And Ending On January 12, 2015, With An Option To Renew, At The City's Sole And Absolute Discretion, For Two (2) Additional Two (2) Year Periods, In Connection With Property Located At 2100 Washington Avenue, Miami Beach, Florida ("Demised Premises").  
(Tourism, Culture & Economic Development)

**ACTION:** Item referred. Patricia Walker to place on the committee agenda. **Max Sklar to handle.**

- C4E Withdrawal Of A Previous Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Create An Overlay District Including And Adjacent To, Or Possible Rezoning Of, The Property Located At 1729 Lenox Avenue To Accommodate Additional Children At The Temple Beth Shmuel Montessori School.  
(Planning)

**ACTION:** Thomas Mooney to withdraw from the Planning Board Agenda.

- C4F Referral To The Neighborhood/Community Affairs Committee - Residential Parking Zone 12 Waverly And Grand Flamingo Pilot Program.  
(Requested by Commissioner Joy Malakoff)  
(Legislative Tracking: Parking)

**ACTION:** Item referred. Vania Pedraja to place on the committee agenda. **Saul Frances to handle.**

- C4G Referral To The Finance And Citywide Projects Committee - Police And Parking Department Towing Permit Requirements.  
(Parking)

**ACTION:** Item referred. Patricia Walker to place on the committee agenda. **Saul Frances to handle.**

**9:50:09 a.m.**

- C4H Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Bicycle Parking Locations And Adding Attractive Bike Racks Throughout The City.  
(Transportation Management)

**ACTION:** Item referred. Item separated by Mayor Levine. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco: Voice vote; 7-0. Vania Pedraja to place on the committee agenda. **Jose Gonzalez to handle.**

Mayor Levine stated that he just wants to make sure that everyone is on the same page as to what they are trying to do.

Jimmy L. Morales, City Manager, stated that this travelled to committee because the Administration wants some guidance regarding policies.

Discussion held.

Commissioner Malakoff agrees that the City needs more bicycle racks, but she hopes that the new racks are attractive, such as in Vancouver and other cities in the United States and Canada, where they actually look like sculptures; the bicycles do fit, they stand up and can be locked, but the racks themselves are attractive.

Kathie G. Brooks, Assistant City Manager, stated that in regards to the scooter ordinance, there is a separate item on the agenda; they have on the contract a consultant that is doing an update of

a bicycle Master Plan that is underway, and one of the first things they are doing is looking at where they can put more bike racks; that is part of the referral, and the second part of it is to go through some options regarding the request for design.

- C4I Referral To The Land Use And Development Committee - Historic Preservation Board's Recommendation To Establish Formal Demolition Procedures Within The Land Development Regulations Of The City Code.

(Planning)

**ACTION:** Item referred. **Thomas Mooney to place on the committee agenda and to handle.**

- C4J Referral To The Neighborhood/Community Affairs Committee - Discussion On Regarding Amendments To The Sidewalk Café Ordinance.

(City Manager's Office)

**ACTION:** Item referred. Vania Pedraja to place on the committee agenda. **Joe Jimenez to handle.**

- C4K Referral To The Neighborhood/Community Affairs Committee - Policies Regarding Use Of Beachfront Parking Lots.

(Parking)

**ACTION:** Item referred. Vania Pedraja to place on the committee agenda. **Saul Frances to handle.**

**9:52:17 a.m.**

- C4L Referral To The April 25, 2014 Neighborhood/Community Affairs Committee To Discuss Banning Bikes From Riding On Lincoln Road.

(Requested by Commissioner Deede Weithorn)

**ACTION:** Item referred. Item heard in conjunction with item R9Q. Item separated by Mayor Levine and Commissioner Grieco. Motion made by Commissioner Grieco to refer items C4L and R9Q; seconded by Commissioner Weithorn: Voice vote; 7-0. Vania Pedraja to place on the committee agenda. **City Attorney's Office and Jose Gonzalez to handle.**

Commissioner Weithorn stated that she placed this item on the agenda because she thinks that bicycles and pedestrian are incompatible on Lincoln Road. She stated that Lincoln Road meets the State criteria where the City can ban bicycles, and thus the prohibition could be accomplished quickly.

Commissioner Grieco stated that he placed item R9Q to expand the places where bicycle riding could be banned, including in other areas outside of Lincoln Road. He requested that item R9Q be included in the referral.

**9:55:44 am**

C4M Referral To The Neighborhood/Community Affairs Committee - Hertz 24/7 Car Sharing Agreement.

(Parking)

**ACTION:** Item referred. Item separated by Mayor Levine. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco: Voice vote; 7-0. Vania Pedraja to place on the committee agenda. **Saul Frances to handle.**

In response to Mayor Levine's question, Parking Director Saul Frances explained that the business model that Hertz has been utilizing has not been successful. There are others similar services that they would like to pursue, and Hertz and the City appear mutually agreeable to that.

The City Manager explained that they are looking for guidance from the City Commission on this issue.

**10:17:13 a.m.**

C4N Referral To The May 16, 2014 Finance And Citywide Projects Committee Regarding The Funding Of The Expansion (Approximately Double The Size) Of The Emergency Department At Mt. Sinai, And The Creation Of An Emergency Management Office For The City Of Miami Beach.  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Item referred. Item separated by Commissioner Tobin for a joint meeting with the Neighborhood/Community Affairs Committee. Motion made by Commissioner Weithorn to refer the item to a joint meeting of the Finance and Citywide Projects Committee and the Neighborhood/Community Affairs Committee; seconded by Commissioner Tobin: Voice vote; 7-0. **Patricia Walker and Vania Pedraja to place on the committees agendas. Charles Tear to handle.**

**REFERRAL:**

Joint Finance & Citywide Projects/Neighborhood/Community Affairs Committees.

Commissioner Tobin separated this item because he would like a joint meeting of the Finance and Citywide Projects Committee, and the Neighborhood/Community Affairs Committee, as the item will eventually have to travel to Finance anyway.

Commissioner Weithorn amended her referral to include the Neighborhood/Community Affairs Committee.

**TO DO:** The first thirty minutes of the May 16, 2014 Finance And Citywide Projects Committee will be a joint meeting with the Neighborhood/Community Affairs Committee to discuss this subject. **Patricia Walker and Vania Pedraja to place on the committees agendas. Charles Tear to handle.**

**SUPPLEMENTAL MATERIAL 2: Proposed Amendment No. 2**

C4O Referral To The Land Use And Development Committee - Two Proposed Code Amendments Dealing With Uses In The RM-1 District.

(Requested by Commissioner Michael Grieco)

**(Proposed Amendment No. 2)**

**ACTION:** Item referred. **Thomas Mooney to place on the committee agenda and to handle.**

C4P Referral To The Neighborhood/Community Affairs Committee -Presentation Regarding Workforce Housing By The Pinnacle Group.

(Requested by Commissioner Michael Grieco)

**ACTION:** Item referred. Vania Pedraja to place on the committee agenda. **Maria Ruiz to handle.**

C4Q Referral To The Neighborhood/Community Affairs Committee – Discussion Regarding The \$25,000 Contribution From The Franchisee Waste Haulers For The Support Of Environmental Programs.

(Environmental)

**ACTION:** Item referred. Vania Pedraja to place on the committee agenda. **Elizabeth Wheaton to handle.**

**10:14:00. a.m.**

**ADDENDUM MATERIAL 1:**

C4R Referral To The Planning Board - Amend Single Family Development Regulations Applicability - An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code, By Amending Ordinance 2014-3835, Which Revised The Development Regulations For Single Family Homes In The RS-1, RS-2, RS-3 AND RS-4 Zoning Districts, Which Amended Sections 142-105 And 142-106 Of The City Code, By Amending The Ordinance's Applicability Section 3, "Exceptions," To Provide For Additional Exceptions For Persons Who Had Applied For Land Use Board Approval Or Permits Prior To Adoption Of The Ordinance, Providing For Repealer; Severability; And An Effective Date.

(Requested by Commissioner Jonah Wolfson)

(Legislative Tracking: City Attorney's Office)

**ACTION:** Item separated by Commissioner Malakoff, to request that it be opened and continued to April 30, 2014. Commissioner Malakoff's request to defer the item was approved by acclamation. **Lilia Cardillo to place on the Commission Agenda.**

Commissioner Wolfson requested that the following items be opened and continued, since he has to leave to attend a funeral:

- C4R – opened and continued to April 30, 2014
- R5E – opened and continued to April 30, 2014 at 5:45 p.m. (See additional information in item R5E)
- R9X – opened and continued to May 21, 2014 (See additional discussion in item R9X)

Commissioner Wolfson's request to open and continue the above listed items was approved by acclamation. **Lilia Cardillo to place on the Commission Agendas.**

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**C6 - Commission Committee Reports**

C6A Report Of The Neighborhood/Community Affairs Committee Meeting On February 28, 2014: **1)** Discussion Regarding Bringing The Junior Orange Bowl Tennis Tournament To Miami Beach. **2)** Discussion Regarding City's Design For New Median On South Pointe Drive. **3)** Discussion Regarding The Modification Of South Beach Local Circulator Service To Belle Isle And Improvement Of On-Time Performance On The Bi-Directional Route. **4)** Discussion Regarding The Review Of Existing Policy On Public Testimony At Public Meetings. **5)** Discussion Regarding Creating A Community Vegetable Garden Through Our Parks & Recreation Program For Miami Beach Elderly In Our Senior Centers; To Include Regular Transportation To The Garden. **6)** Discussion Regarding Sightseeing And Tour Bus Industry Regulations. **7)** Discussion Regarding An Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2013-171TC For The Playground Fence At South Pointe Park (Pending Legislation). **8)** Discussion Regarding A Request From The North Bay Village Mayor To Discuss North Bay Village Residents' Use Of The Normandy Isle Facility. **9)** Discussion Regarding How We Can Make Nautilus Middle School The Best In The Country And/Or The Creation Of A Miami Beach Middle School. **10)** Discussion Regarding Beachfront Concession Buffer Zones.

**ACTION:****Item No. 1: Discussion Regarding Bringing The Junior Orange Bowl Tennis Tournament To Miami Beach.**

**ACTION:** Commissioner Tobin- move the this item off the agenda  
Referred at the 2/6/13 Commission Meeting – Item C4S

**Item No. 2: Discussion Regarding City's Design For New Median On South Pointe Drive.****MOTION:**

MOVE TO CITY COMMISSION FOR FINAL APPROVAL Commissioner Tobin; Second by Deede Weithorn.

Referred at the 11/25/13 Commission Meeting – Item R9A

**Item No. 3: Discussion Regarding The Modification Of South Beach Local Circulator Service To Belle Isle And Improvement Of On-Time Performance On The Bi-Directional Route.**

**ACTION:** No action taken.

Referred at the 10/16/13 Commission Meeting – Item C4C

**Item No. 4: Discussion Regarding The Review Of Existing Policy On Public Testimony At Public Meetings.**

**ACTION:** Tobin/Weithorn.

Referred at the 10/16/13 Commission Meeting – Item C4F

**Item No. 5: Discussion Regarding Creating A Community Vegetable Garden Through Our Parks & Recreation Program For Miami Beach Elderly In Our Senior Centers; To Include Regular Transportation To The Garden.**

Commissioner Weithorn- DIRECTION TO LOOK INTO THE OPTIONS AND BRING IT BACK.  
Seconded by Commissioner Steinberg.

Referred at the 12/11/13 Commission Meeting – Item C4K

**Item No. 6: Discussion Regarding Sightseeing And Tour Bus Industry Regulations.**

Commissioner Weithorn- MOTION CONCESSION AGREEMENT ALTERNATIVE 1. BRING BACK TO COMMITTEE; Commissioner Tobin- COME UP WITH REGULATIONS TO BRING BACK RECOMMENDATION.

Referred at the 3/13/13 Commission Meeting – Item C4E

**Item No. 7: Discussion Regarding An Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2013-171TC For The Playground Fence At South Pointe Park (Pending Legislation).**

Commissioner Tobin MOTION TO NOT ADD THE FENCE AND KEEP THE MONEY FOR KIDS NEEDS; COMMISSIONER STEINBERG SECONDED

Referred at the 01/15/14 Commission Meeting – Item C2F

**Item No. 8: Discussion Regarding A Request From The North Bay Village Mayor To Discuss North Bay Village Residents' Use Of The Normandy Isle Facility.**

Commissioner Weithorn- look to see if we can accommodate. MOTION TO LOOK AT CAPACITY WORK WITH THE MAYOR AND BRING BACK TO COMMITTEE; Commissioner Steinberg seconded the motion.

Referred at the 01/15/14 Commission Meeting – Item C4B

**Item No. 9: Discussion Regarding How We Can Make Nautilus Middle School The Best In The Country And/Or The Creation Of A Miami Beach Middle School.**

**ACTION:** No action taken.

Referred at the 01/15/14 Commission Meeting – Item C4G

**Item No. 10: Discussion Regarding Beachfront Concession Buffer Zones.**

**ACTION: Weithorn/Steinberg**

Accept recommendation and bring back to committee in May; seconded by Commissioner Steinberg.

Referred at the 01/15/14 Commission Meeting – Item C4F

- C6B Report Of The Land Use And Development Committee Meeting On March 19, 2014: **1)** Discussion Regarding The Code Section Governing Unities Of Title And Covenants In Lieu Of Unity Of Title. **2)** Discussion For Consideration Of Establishing Acceptable Accessory Uses Permitting Restaurants In Contributing Historic Structures Within The RM-2 Cultural Arts Neighborhood Overlay District. **3)** Discussion Regarding The Betsy/Carlton Hotel Renovation And Possibility Of An Air Rights Easement And Green Alley. **4)** Discussion Regarding Changing The Level In Which A Commercial Building Is Built From Grade To Base Flood Elevation. **5)** An Ordinance That Amends The City's LDR's To Permit Rooftop Additions Of More Than One-Story For Contributing Buildings In The Morris Lapidus Historic District, And To Permit Setback Encroachments For Approved Rooftop Additions. **6)** Discussion Regarding Amending Sec. 142-902 (2) To Allow Accessory Office Space Above The Ground Floor. **7)** Discussion On The Unit Size Scale: Encroachments, Accessory Structures And Establishing A Unit Size Sliding Scale In Single Family Districts. **8)** Discussion On Telecommunications Ordinance. **9)** Discussion Regarding 500-600 Alton Road.

**ACTION:**

**Item No. 1: Discussion Regarding The Code Section Governing Unities Of Title And Covenants In Lieu Of Unity Of Title.**

**MOTION:** MG/JW (3-0)

Continue to April 9, 2014

Referred at the 06/05/13 Commission Meeting – Item C4N

**Item No. 2: Discussion For Consideration Of Establishing Acceptable Accessory Uses Permitting Restaurants In Contributing Historic Structures Within The RM-2 Cultural Arts Neighborhood Overlay District.**

**ACTION:** Continued to April 9, 2014

Referred at the 10/16/13 Commission Meeting – Item C4G

**Item No. 3: Discussion Regarding The Betsy/Carlton Hotel Renovation And Possibility Of An Air Rights Easement And Green Alley.**

**MOTION:** JW/MG (3-0)

Refer matter to Full Commission

Referred at the 12/11/13 Commission Meeting – Item R9G

**Item No. 4: Discussion Regarding Changing The Level In Which A Commercial Building Is Built From Grade To Base Flood Elevation.**

**MOTION:** MG/JW(3 - 0)

Refer an Ordinance to the Planning Board.

Referred at the 02/12/14 Commission Meeting – Item C4E

**Item No. 5: An Ordinance That Amends The City's LDR's To Permit Rooftop Additions Of More Than One-Story For Contributing Buildings In The Morris Lapidus Historic District, And To Permit Setback Encroachments For Approved Rooftop Additions.**

**MOTION:** JW/MG (3 -0)

Refer the Ordinance to the Planning Board with a favorable recommendation, including revisions proposed by staff.

Referred at the 02/12/14 Commission Meeting – Item C4I

**Item No. 6: Discussion Regarding Amending Sec. 142-902 (2) To Allow Accessory Office Space Above The Ground Floor.**

**MOTION:** JW/MG (3 -0)

Refer the Ordinance to the Planning Board with a favorable recommendation.

Referred at the 02/12/14 Commission Meeting – Item C4J

**Item No. 7: Discussion On The Unit Size Scale: Encroachments, Accessory Structures And Establishing A Unit Size Sliding Scale In Single Family Districts.**

**MOTION:** JW/MG (3 -0)

Refer the Ordinance to the Planning Board with a favorable recommendation.

Referred at the 02/12/14 Commission Meeting – Item R9B2

**Item No. 8: Discussion On Telecommunications Ordinance.**

**MOTION:** MG/JW (3 -0 )

Continue the discussion to the April 9, 2014 meeting.

Referred at the 03/05/14 Commission Meeting – Item C4B

**Item No. 9: Discussion Regarding 500-600 Alton Road.**

**MOTION:** JW/MG (3 -0)

Refer the item to the April 23, Commission Meeting to consider a referral to the Planning Board.  
Direct staff to arrange at least 2 public workshops prior to April 23, 2014 Commission meeting.  
Refer the proposal to the Flood Mitigation Committee.  
Referred at the 03/05/14 Commission Meeting – Item C4K

**City Clerk's Note:** See Item R5K

**9:56:25 a.m.**

C6C Report Of The Finance And Citywide Projects Committee Meeting On March 21, 2014: **Old Business:** 1) Discussion Regarding The Budget For Police Officers Overtime. **New Business:** 1) Discussion Regarding Proposed Citywide Survey Of Single Family Home Districts In Order To Determine The Number Of Architecturally Significant Homes In The City. 2) Discussion To Support Miami-Dade County Public Schools Spanish Foreign Language Initiative In Which All Miami Beach Feeder Schools Offer Spanish Foreign Language Tracks To Enable All Interested Miami Beach Students To Take Spanish For High School Credit In All Miami Beach Middle Schools And High Schools (Nautilus Middle, Feinberg Fisher K8, And Ruth K. Broad Bay Harbor K8). 3) Discussion That Looks Into What Occurs With Our MBPD Retired Police Dogs And To Discuss Possible Allocation Of Funding For Their Medical Needs. 4) Discussion Regarding The Budget Advisory Committee's (BAC) Recommendation For A City Resort Tax Reserve Policy (As Described In LTC No. 422-2013 Budget Advisory Committee Motion). 5) Discussion Regarding Stormwater Future Bonds And Proposed Rates.

**New Business:**

1) Discussion Regarding Proposed Citywide Survey Of Single Family Home Districts In Order To Determine The Number Of Architecturally Significant Homes In The City.

**ACTION:** Item separated by Commissioner Malakoff. Motion made by Commissioner Weithorn to accept the report as written; seconded by Vice-Mayor Steinberg; Voice vote: 5-2 Opposed: Commissioners Malakoff and Wolfson.

**DISCUSSION:**

Commissioner Malakoff stated her concerns with the action on this item is that the Land Use and Development Committee looked at this issue and thought that it was not advisable to go forward with the survey at this time. Then the Finance and Citywide Projects Committee, however, suggested going forward as a budget recommendation for the upcoming fiscal year. She believes that this is not a good time to do this; she thinks they need to get a handle on sea level rise and the 2.7 feet height limits with the flooding. The problem with these architecturally significant homes that she sees is that some of them are at sea level and some are actually below sea level, and she feels this item should not move forward at this time.

Commissioner Weithorn explained that the Finance Committee referred the item to the next year's budget, and no action is to be taken this year, but to be argued at the next fiscal year. Discussion held.

Commissioner Wolfson agreed with Commissioner Malakoff. Commissioner Tobin explained that Administration does not take action on these reports. This has been discussed previously with Administration, and as long as the same rules are followed, and until the item is formally voted on, this is just a discussion.

Mayor Levine agrees with his colleagues and feels it is not necessary to move forward.

Jimmy L. Morales, City Manager, explained that this is just a report of what was discussed at committee and it is not an action item. There is plenty of time for the Commission to provide guidance.

Raul Aguila, Chief Deputy City Attorney, clarified that this is referred to as an action item in the Finance and Citywide Projects Committee report, and this is the proper time and place to vote on it as an action item or not. Discussion continued.

Mayor Levine does not like the idea and does not feel comfortable taking photos of people's home.

Commissioner Tobin raised a point of order, that this body has agreed that a committee report is only a report, no action will be taken by the Administration unless a resolution on the issue is adopted by the entire City Commission.

Raul Aguila, Chief Deputy City Attorney, clarified that now when the committee report is presented in the agenda package, there is a recommended action, and if the City Commission votes on the report, this Commission is voting on the actions to be taken pursuant to that report unless it is separated. Discussion held regarding implementation of actions from the report.

Former Commissioner Nancy Liebman explained that this issue has triggered the fact that they want to squash the preservation of historic homes. This discussion came up many times during elections and the people said they are tired to see historic homes destroyed. They should do something about it. The preservation community should be heard on this before taking action. Discussion continued.

Commissioner Malakoff clarified that they are trying to adopt an ordinance with substantial incentives to retain historic homes; the idea is not to change the looks of the City, but the idea is not have the Planning Department staff spending a lot of money and time looking at all the architectural homes in the City and doing a major survey of such homes, when in fact, in practicality is inadvisable due to rising sea level.

Former Commissioner Liebman added that this is not historic designation, this was to give guidance to future property owners and going forward. A survey is for developers to identify what they are buying. She believes that this is a resistance to try to save the character of the City. Discussion continued.

Commissioner Weithorn clarified that the only action they are taken today is to place it as a discussion item during budget time. They know how controversial this item is and they have to reach out to the community and they have not decided what to do yet. She urged to go forward to budget. Discussion held.

Commissioner Tobin asked if they could agree that before Administration takes action on matters contained within the notes that are reporting what was discussed at committee, they do it via a resolution.

Jose Smith, City Attorney, stated that the Code states that just because it is in the committee minutes, it does not mean the City agrees with it. There has to be a resolution brought to the City Commission, affirming the action of the committee, and endorsing that action. Absent that, it is just notes.

Commissioner Malakoff explained that the action recommends moving the item forward as a budget recommendation; it is not just notes of minutes. Discussion continued.

Jimmy L. Morales, City Manager, added that this City Commission has his commitment that the Administration will not take action out of any report, unless it comes back to the City Commission via a resolution and it is adopted.

Commissioner Grieco stated that this issue should be address during a Commission Retreat.

Motion made by Commissioner Weithorn to accept the report as written; seconded by Vice-Mayor Steinberg; Voice vote: 5-2 Opposed: Commissioners Malakoff and Wolfson.

**Report:**

**Old Business:**

Item No. 1: Discussion Regarding The Budget For Police Officers Overtime.

**ACTION**

The Committee recommended receiving a schedule from the budget department in reference to Police overtime as an attachment to the finance agenda. Assistant City Manager Kathie Brooks is to follow up with the City Manager regarding FDOT's contributions to the officers working overtime on the Alton Road project.

**Item No. 1: Discussion Regarding Proposed Citywide Survey Of Single Family Home Districts In Order To Determine The Number Of Architecturally Significant Homes In The City.**

**ACTION**

The Committee recommended moving this item forward as a Budget recommendation for the upcoming fiscal year in which funds would be appropriated. This would be the creation of a comprehensive pilot program for Citywide surveying of single-family homes into a database.

Referred at the 07/19/13 Commission Meeting – Item C4M

**Item No. 2: Discussion To Support Miami-Dade County Public Schools Spanish Foreign Language Initiative In Which All Miami Beach Feeder Schools Offer Spanish Foreign Language Tracks To Enable All Interested Miami Beach Students To Take Spanish For High School Credit In All Miami Beach Middle Schools And High Schools (Nautilus Middle, Feinberg Fisher K8, And Ruth K. Broad Bay Harbor K8).**

**ACTION**

The Committee recommended moving forward with the motion made by the Committee for Quality Education. This supports Miami-Dade County Public Schools' Spanish (foreign language) initiative in which all Miami Beach feeder schools offer Spanish (foreign language) tracks which will enable all interested Miami Beach students to take Spanish for high school credit in all Miami Beach middle schools/high school (Nautilus Middle, Feinberg Fisher K-8 and Ruth K. Broad Bay Harbor K-8).

Referred at the 09/11/13 Commission Meeting – Item R9O

**Item No. 3: Discussion That Looks Into What Occurs With Our MBPD Retired Police Dogs And To Discuss Possible Allocation Of Funding For Their Medical Needs.**

**ACTION**

The Committee recommended funding the care of retired police K9s by carrying their medical cost in the contracted veterinary services the City currently provides.

Referred at the 10/16/13 Commission Meeting – Item R9O

**Item No. 4: Discussion Regarding The Budget Advisory Committee's (BAC) Recommendation For A City Resort Tax Reserve Policy (As Described In LTC No. 422-2013 Budget Advisory Committee Motion).**

**ACTION**

The Committee recommended moving the item to the full Commission to establish a reserve policy of at least two months of total revenues of the Resort Tax fund, with the third month being a goal to achieve over a period of time.

Referred at the 12/11/13 Commission Meeting – Item R9H

**Item No. 5: Discussion Regarding Stormwater Future Bonds And Proposed Rates.**

**ACTION**

Chief Financial Officer Patricia Walker went over various scenarios and the Committee requested the item be brought back before the Committee once the timeline and projects have been established so that a more accurate rate can be determined.

- C6D Report Of The Land Use And Development Committee Meeting On March 31, 2014: **1)** Discussion On The Preparation Of Form-Based Land Development Regulations.

**ACTION:**

**MOTION:** DW / JM (3 -0)

Recommend that the City Commission issue an RFP for an analysis of the existing Code.

Referred at the 04/05/14 Commission Meeting – Item C4I

- C6E Report Of The Neighborhood/Community Affair Committee Meeting For March 28, 2014: **1)** Discussion Regarding Exploring Into An Establishment For A Handicap Beach Within Our City Limits. **2)** Discussion Of Placing A Plaque At Flamingo Park Tennis Center In Memory Of Jerry Moss, The First National Tennis Champion From Miami Beach. **3)** Discussion Regarding A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report For 10-Foot Travel Lanes On Local Avenues And Streets As Well As Four (4) Feet Of Green Space And A 10-Foot Wide Path/Cycle Track Sidewalk Shared On Each Side In Lieu Of Bike Lane For 16th Street. **4)** An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," To Provide Regulations And Standards For Nude Dance Establishments. **5)** Discussion On Regulation Of Mechanical Equipment Noise. **6)** An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Florida, Entitled "Miscellaneous Offenses," By Amending Section 70-2, Entitled "Reserved" To Create Regulations That Define Nicotine Vaporized And Liquid Nicotine And That Prohibit The Sale, Barter, Providing Directly Or Indirectly, Gifting, Making Available For Use Or Possession, Or The Furnishing Of Nicotine Vaporizers And Liquid Nicotine To Persons Under The Age Of Eighteen (18); Moreover, Making The Possession Of Nicotine Vaporizers And Liquid Nicotine Illegal For Persons Under The Age Of Eighteen (18); And Providing Penalties For Violations; Providing For Repealer; Severability; Codification; And An Effective Date. **7)** An Ordinance Amending The Code Of The City Of Miami Beach, Florida Amending Chapter 6, Entitled "Alcohol Beverages For Movie Theaters.

**ACTION:**

**Item No. 1: Discussion Regarding Exploring Into An Establishment For A Handicap Beach Within Our City Limits.**

**MOTION:** by Commissioner Steinberg to send to Commission with positive recommendation. Seconded by Commissioner Malakoff.

Referred at the 10/16/13 Commission Meeting – Item R9S

**Item No. 2: Discussion Of Placing A Plaque At Flamingo Park Tennis Center In Memory Of Jerry Moss, The First National Tennis Champion From Miami Beach.**

**MOTION:** by Commissioner Malakoff to send to Commission with a positive recommendation.

Referred at the 02/12/14 Commission Meeting – Item C4C

**Item No. 3: Discussion Regarding A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report For 10-Foot Travel Lanes On Local Avenues And Streets As Well As Four (4) Feet Of Green Space And A 10-Foot Wide Path/Cycle Track Sidewalk Shared On Each Side In Lieu Of Bike Lane For 16th Street.**

**MOTION:** by Commissioner Weithorn to amend the Basis of Design Report to remove the cycle track, keep the current bicycle lane, mitigate as much obstruction as possible from the pedestrian area and ensure that the bicycle lane is continuous and navigable.

Sheryl Gold (resident) spoke. Seconded by Commissioner Steinberg.

Referred at the 10/16/13 Commission Meeting – Item C7T

**Item No. 4: An Ordinance Amending Chapter 18 Of The City Code, Entitled “Businesses,” To Provide Regulations And Standards For Nude Dance Establishments.**

**MOTION:** by Commissioner Tobin to bring this ordinance back to NCAC with the penalty provisions. Seconded by Commissioner Steinberg.

Referred at the 02/12/14 Commission Meeting – Item C4F

**Item No. 5: Discussion On Regulation Of Mechanical Equipment Noise.**

**MOTION:** by Commissioner Malakoff to send this item to the Noise Working Group. Seconded by Commissioner Steinberg.

Referred at the 02/12/14 Commission Meeting – Item C4H

**Item No. 6: An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Florida, Entitled “Miscellaneous Offenses,” By Amending Section 70-2, Entitled “Reserved” To Create Regulations That Define Nicotine Vaporized And Liquid Nicotine And That Prohibit The Sale, Barter..... for Persons Under The Age Of Eighteen (18); And Providing Penalties For Violations; Providing For Repealer; Severability; Codification; And An Effective Date.**

**DIRECTION:** by Commissioner Steinberg to be brought to the April 23 Commission Meeting with the final ordinance. Commissioner Malakoff- Recommended have our lobbyists discuss it in Tallahassee.

Referred at the 03/05/14 Commission Meeting – Item C4H

**City Clerk’s Note:** See Item R5I

**Item No. 7: An Ordinance Amending The Code Of The City Of Miami Beach, Florida Amending Chapter 6, Entitled “Alcohol Beverages For Movie Theaters.**

**MOTION:** by Commissioner Weithorn send to Commission with changes to the ordinance including strict requirements to protect minors. Seconded by Commissioner Steinberg.

Referred at the 02/12/14 Commission Meeting – Item C4I



- C6F Report Of The Land Use And Development Committee Meeting On April 9, 2014: **1)** Discussion Regarding The Code Section Governing Unities Of Title And Covenants In Lieu Of Unity Of Title. **2)** Discussion For Consideration Of Establishing Acceptable Accessory Uses Permitting Restaurants In Contributing Historic Structures Within The RM-2 Cultural Arts Neighborhood Overlay District. **3)** Proposed Ordinance Pertaining To Land Use Board Regulations And Proceedings. **4)** Discussion On The Proposed Terminal Island Residential Project. **5)** Discussion On The Creation Of Overlay Districts For Strategic Areas Of The City. **6)** Discussion On Telecommunications Ordinance. **7)** Discuss Amending Sec. 106-55 Parking Rates, Fees And Penalties To Exempt Single Family Homes. **8)** Discussion On Beachwalk Uniformity. **9)** RM-2 Accessory Office Uses For Bay Front Apartments. **10)** Discussion On Valet Services / Commercial Use In Residential Zoning Districts.

**ACTION:**

**Item No. 1: Discussion Regarding The Code Section Governing Unities Of Title And Covenants In Lieu Of Unity Of Title.**

**MOTION:** DW/JM (2-0)

Refer the Ordinance to the September Planning Board with a favorable recommendation.  
Referred at the 06/05/13 Commission Meeting – Item C4N

**Item No. 2: Discussion For Consideration Of Establishing Acceptable Accessory Uses Permitting Restaurants In Contributing Historic Structures Within The RM-2 Cultural Arts Neighborhood Overlay District.**

**AFTER-ACTION:**

Continued to the May 7, 2014 meeting by acclimation.  
Referred at the 10/16/13 Commission Meeting – Item C4G

**Item No. 3: Proposed Ordinance Pertaining To Land Use Board Regulations And Proceedings.**

**MOTION:** DW/JM (3-0)

Refer the Ordinance, inclusive of the amendments proposed by the Administration and the City Attorney, to the Planning Board with a favorable recommendation.  
Referred at the 02/12/14 Commission Meeting – Item C4B

**Item No. 4: Discussion On The Proposed Terminal Island Residential Project.**

**MOTION:** MG/DW (3-0)

Move forward with drafting a Development Agreement and Term Sheet, which includes all proffered safeguards. The City Attorney and the Administration will place the item on a future Land Use Committee agenda when the draft Term Sheet is ready. Additionally, the draft Term Sheet shall be made available for public review at least 3 weeks prior to the Land Use Committee meeting.

Referred at the 02/12/14 Commission Meeting – Item C4G

**Item No. 5: Discussion On The Creation Of Overlay Districts For Strategic Areas Of The City.**

**AFTER-ACTION:**

Continued to September 3, 2014 meeting by acclimation.  
Referred at the 03/05/14 Commission Meeting – Item C4A

**Item No. 6: Discussion On Telecommunications Ordinance.**

**AFTER-ACTION:**

Continued to May 7, 2014 meeting by acclimation.  
Referred at the 03/05/14 Commission Meeting – Item C4B

**Item No. 7: Discuss Amending Sec. 106-55 Parking Rates, Fees And Penalties To Exempt Single Family Homes.**

**MOTION: DW/JM (2-0)**

Refer the Ordinance to the City Commission with a favorable recommendation.

Referred at the 03/05/14 Commission Meeting – Item C4G

**Item No. 8: Discussion On Beachwalk Uniformity.**

**MOTION: DW/JM (2-1)**

Move the Administration recommendation and exempt those projects that have been designed under previous beach walk standards.

Referred at the 03/05/14 Commission Meeting – Item C4J

**Item No. 9: RM-2 Accessory Office Uses For Bay Front Apartments.**

**AFTER-ACTION:**

No action taken by the Committee; the Ordinance to go before the City Commission on April 23, 2014 for 2<sup>nd</sup> Reading.

Referred at the 03/05/14 Commission Meeting – Item R5H

**City Clerk's Note:** See Item R5K

**Item No. 10: Discussion On Valet Services / Commercial Use In Residential Zoning Districts.**

**AFTER-ACTION:**

Joe Jimenez recommended merging this discussion with a forthcoming referral pertaining to the commercial use of single-family homes. The Committee, by acclamation, agreed with Mr. Jimenez's recommendation.

Referred at the 03/05/14 Commission Meeting – Item R5K

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit Grant Applications To: 1) US Department Of Transportation, Transportation Investment Generating Economic Recovery (TIGER) Grant Program For Construction Funding In The Approximate Amount Of \$10 Million For Phase 1 Of The City's Intelligent Transportation System (ITS); 2) US Department Of Transportation, Transportation Investment Generating Economic Recovery (TIGER) Grant Program For Planning Funding In The Approximate Amount Of \$400,000 For The Atlantic Greenway/Boardwalk Conversion Project; 3) US Department Of Transportation, Transportation Investment Generating Economic Recovery (TIGER) Grant Program For Planning Funds In The Approximate Amount Of \$360,000 For The City Center Transportation Master Plan; 4) Florida Department Of State, Historic Preservation Grant Program, In The Approximate Amount Of \$50,000, For The Restoration Of City Statues; And, Retroactive Submittal To: 5) US Department Of Homeland Security For Funding From The FY 2014 Emergency Management Performance Grant Program In The Approximate Amount Of \$80,000 For The City's Emergency Management Needs, And, 6) Approving The Renewal Of A Contract With The Children's Trust For Funding In The Approximate Amount Of \$310,000 For The City's Out Of Schools Program; Appropriating The Above Grants, Funding Requests, Matching Funds, And City Expenses, If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To The Aforestated Applications, Including, Without Limitation, Audits, And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To These Grants And Funding Requests.

(Budget & Performance Improvement)

**ACTION: Resolution 2014-28542 adopted.** Patricia Walker to appropriate the funds. **John Woodruff and Judy Hoanshelt to handle.**

- C7B A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee (FCWPC) And Adopting A City Of Miami Beach Financial Policy For The Establishment Of A Reserve In The Resort Tax Fund.

(Budget & Performance Improvement)

**ACTION: Resolution 2014-28543 adopted. John Woodruff to handle.**

- C7C A Resolution Amending Resolution No. 2013-28376 To Amend The Annually Estimated Contract Amount For Building Inspection, Plans Review Services, And Permit Clerks On An "As Needed" And "On-Going" Basis For The City's Building Department From \$650,000 To An Amount That Is Annually Available In The Building Department's Budget For Such Services.

(Building)

**ACTION: Resolution 2014-28544 adopted. Mariano Fernandez to handle.**

- C7D A Resolution Amending The Adopted Master Plan For North Shore Bandshell Park And Approving And Authorizing The Mayor And City Clerk To Execute A Guaranteed Maximum Price (GMP) Amendment No. 1, To The Pre-Construction Services Agreement With D. Stephenson Construction, Inc., Dated April 3, 2012, For The Construction Of The North Shore Bandshell Park Project, In The Amount Of \$562,291, Plus An Owner's Project Contingency In The Amount Of \$27,665, For A Total Of \$589,956; With Previously Appropriated Funding.  
(Capital Improvement Projects)

**ACTION: Resolution 2014-28545 adopted. David Martinez to handle.**

10:19:09 am

**SUPPLEMENTAL MATERIAL 4: Covenant in Lieu of Unity of Title**

- C7E A Resolution Authorizing The Mayor And City Clerk To Execute A Restrictive Covenant In Lieu Of Unity Of Title For Thirty-Five (35) Parking Spaces To Be Provided In The Sunset Harbor Garage Located At 1900 Bay Road, For The Property Management Facility To Be Constructed At 1833 Bay Road.  
(Capital Improvement Projects)

**ACTION:** Item separated by Commissioner Tobin. Item heard in conjunction with R7D.  
**Resolution 2014-28546 adopted.**

**Motion on C7E:**

Motion made by Commissioner Weithorn to adopt resolution; seconded by Commissioner Malakoff; Voice vote; 6-0; Abstained: Mayor Levine. **David Martinez to handle.**

**Motion on R7D:**

Instruct Administration to stop work on items C7E and R7D and to refer items to the Neighborhood/Community Affairs Committee to make sure a property maintenance facility is to be located in the area; Roll Call vote: 2-4; Opposed: Vice-Mayor Steinberg and Commissioners Malakoff, Wolfson and Weithorn. Abstained: Mayor Levine. Motion failed.

Commissioner Tobin stated that item R7D is a companion item to this, and explained that the City decided long before the Sunset Harbor neighborhood became so popular that they were going to move the Property Management and Maintenance building to the middle of that neighborhood. Some of us thought that it should go behind Fire Station No. 2, where the City has an area that is relatively dormant. He wanted to alert the new Commissioners that this item would place the maintenance building in the middle of that vibrant neighborhood area.

Discussion held.

**Motion No.1:**

Motion made by Commissioner Tobin to instruct the Administration to hold off moving the maintenance facility in the middle of Sunset Harbor neighborhood for a couple of weeks, and he will add it to the Neighborhood/Community Affairs Committee's agenda to discuss, and the item can come back to the next Commission Meeting; seconded by Commissioner Grieco.

Discussion continued.

David Martinez, CIP, Director, explained the item.

**10:27:33 a.m.**

**Motion No. 1 Restated:**

Instruct Administration to stop work on items C7E and R7D and to refer items to the Neighborhood/Community Affairs Committee to make sure a property maintenance facility is to be located in the area; Roll Call vote: 2-4; Opposed: Vice-Mayor Steinberg and Commissioners Malakoff, Wolfson and Weithorn. Abstained: Mayor Levine.

The motion failed.

**Motion No. 2 on C7E only:**

Motion made by Commissioner Weithorn to adopt the resolution on item C7E; seconded by Commissioner Malakoff; 6-0; Abstained: Mayor Levine.

**Handouts or Reference Materials:**

1. Form 8B Memorandum of Voting Conflict for County, Municipal and other Local Public Offices #115.

- C7F A Resolution Approving And Authorizing The City Manager And City Clerk To Execute Amendment No. 1 To The Agreements With Team Contracting, Metro Express, And H & R Paving For Concrete Curbing/Sidewalk Construction, Purchase Of Asphaltic Concrete/Related Materials, And Striping Of City Streets And Parking Lots, Pursuant To Invitation To Bid (ITB) No. 15-11/12, Amending The Estimated Annual Contract Amount From \$550,004 To The Approved Budgeted Amount In Each User Department's Budget For Said Services.  
(Capital Improvement Projects/Procurement)

**ACTION: Resolution 2014-28547 adopted. David Martinez and Alex Denis to handle.**

- C7G A Resolution Waiving, By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The Procurement Of General Appraisal Services, From Various Vendors, On An As-Needed Basis, Citywide, Utilizing Existing City Of Miami Contract No. 132102, Effective Through August 1, 2014, Subject To Any Extensions And/Or Replacement Contracts Issued By The City Of Miami.  
(Citywide/Procurement)

**ACTION: Resolution 2014-28548 adopted. Alex Denis to handle.**

- C7H A Resolution Approving And Authorizing The City Manager To Execute A Memoranda Of Understanding With H.O.P.E. In Miami-Dade, Inc. To Provide Outreach Services To Our Community's Homeless Persons.  
(Housing & Community Services)

**ACTION: Resolution 2014-28549 adopted. Maria Ruiz to handle.**

**10:30:17 a.m.**

- C7I A Resolution Cancelling The Request For Proposals (RFP) For \$1,591,363 Of Available Recaptured Home Program Funds, As Approved At The January 15, 2014 City Commission Meeting Pursuant To Resolution No. 2014-28476; And Allocating Said Funds Toward The Rehabilitation Costs Of The City's London House Apartments Project.  
(Housing & Community Services)

**ACTION:** Item separated for discussion by Commissioner Weithorn. **Resolution 2014-28550 adopted.** Motion made by Commissioner Weithorn: seconded by Commissioner Grieco; Voice vote: 7-0. **Alex Denis and Maria Ruiz to handle.**

Commissioner Weithorn separated this item to get an update. She added that this is a significant item to be buried in the Consent Agenda.

Maria Ruiz, Housing and Community Services Director, introduced the item. Ms. Ruiz explained that this was prompted by the takeover of the London House and the City recognizes that remediation is needed on the building that is erroneously reported at 69% complete so they are short funded. The funds are needed to complete the project, especially in light of the fact the City does not know if the funds are going to be approved. Therefore, it is critical to complete the project as planned, so that is the impetus.

In response to a question from Commissioner Weithorn, Ms. Ruiz explained that the City's consultant reported that the project was 41% completed, not 69%. That is a difference in dollars of well over a quarter of a million dollars on the front end.

Commissioner Weithorn stated it was that which she wanted the public to know. The discrepancy in quality, completeness and the dollar amount.

- C7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 2014-056-MF For An Insurance Broker Of Record For Property And Liability Insurance; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Arthur J. Gallagher And Co., And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Pria, Brown & Brown; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, The Beacon Group; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.  
(Human Resources/Procurement)

**ACTION: Resolution 2014-28551 adopted. Sylvia Crespo-Tabak and Alex Denis to handle.**

- C7K A Resolution Authorizing The Mayor And City Clerk To Execute The Memorandum Of Understanding (MOU), Attached Hereto And Incorporated Herein, Between The City Of Miami Beach, The Miami Beach Chamber Of Commerce, North Bay Village, The Town Of Bay Harbor Islands, The Town Of Surfside, And Bal Harbour Village To Implement The Nurse Initiative For The 2014-2015 School Year And Authorizing The Appropriation Of \$15,400 From The Miami Beach Education Compact Fund For The City Of Miami Beach's Proportionate Share Of Funding For The Nurse Initiative Subject To Approval In The FY 2014/15 Annual Budget.  
(Organization Development Performance Initiatives)

**ACTION: Resolution 2014-28552 adopted.** Patricia Walker to appropriate the funds. **Leslie Rosenfeld to handle.**

- C7L A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its March 21, 2014 Meeting To Support The August 27, 2013 Quality Of Education Committee's Motion To Enable All Interested Miami Beach Students To Take A Foreign Language (Spanish) For High School Credit In All Miami Beach Middle Schools And K-8 Centers, Including Nautilus Middle School, Fienberg Fisher K-8 Center, And Ruth K. Broad Bay Harbor K-8 Center, Similar To All Other Foreign Language Offerings In Miami-Dade County Public School International Baccalaureate Middle School And K-8 Centers.  
(Organization Development Performance Initiatives)

**ACTION: Resolution 2014-28553 adopted.** **Leslie Rosenfeld to handle.**

- C7M A Resolution Approving An Agreement Between The City Of Miami Beach And The Miami Design Preservation League, Inc., For The Installation, Transfer, And Maintenance Of The Barbara Baer Capitman Memorial, And Authorizing The Mayor And City Clerk To Execute The Agreement, Subject To Such Further Modifications As The City Manager And City Attorney Conclude Are In The Best Interests Of The City.  
(Parks & Recreation)

**ACTION: Resolution 2014-28554 adopted.** **John Rebar to handle.**

- C7N A Resolution Authorizing The City Manager And City Clerk To Execute A Memorandum Of Understanding Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department And The Miami-Dade Police Department For The Miami Beach Police Department To Access The Miami-Dade Police Department Photo Imaging System.  
(Police)

**ACTION: Resolution 2014-28555 adopted.** **Chief John Buhrmaster to handle.**

- C7O A Resolution Approving The Vacation Of An Existing 10 Foot Drainage Easement And Accepting A 20 Foot Utility Easement From Palau Sunset Harbour LLC For The Construction, Installation, Maintenance, Repair, And Replacement Of A City Drainage Outfall Pipes.  
(Public Works)

**ACTION: Resolution 2014-28556 adopted.** **Eric Carpenter to handle.**

- C7P A Resolution Approving And Authorizing The Mayor And City Clerk To Add Additional Funds To The Existing Joint Participation Agreement (JPA) Between The City And Florida Department Of Transportation (FDOT), For Additional \$240,000 For Utility Work By FDOT Highway Contractor For The Construction Of Water, Sewer And Stormwater Drainage Improvements Within The Project Area, As Part Of The State Road 907/Alton Road Project From 5th Street To Michigan Avenue.

(Public Works)

**ACTION: Resolution 2014-28557 adopted. Eric Carpenter to handle.**

- C7Q A Resolution Accepting The Recommendation Of The Flooding Mitigation Committee At Its March 26, 2014 Meeting To Direct The City Manager To Request Immediate Funding To Hire A Civil Engineer II, A GIS Analyst, And A Hydrogeologist For Storm Water Purposes.

(Public Works)

**ACTION: Resolution 2014-28558 adopted. Eric Carpenter to handle.**

- C7R A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Proceed With A Bicycle Safety Campaign In Partnership With Local Bicycle Advocate Mr. Richard Cahlin Involving The Sale Of Cycling Clothing To Help Raise Funds For Bicycle Education Programs.

(Sponsored by Commissioner Deede Weithorn/FCWPC)  
(Legislative Tracking: Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28559 adopted. Max Sklar to handle.**

**9:23:11 am.**

- C7S A Resolution Accepting The Recommendation Of The Mayor's Blue Ribbon Panel On North Beach Revitalization And Establishing A North Beach Special Event Incentive Program Designed To Attract And Encourage Events In The North Beach Area Of The City, And Sunsetting The Program Three (3) Years From The Adoption Of This Resolution Unless Otherwise Provided By The Mayor And City Commission.

(Requested by the Mayor's Blue Ribbon Panel on North Beach)  
(Tourism, Culture & Economic Development)

**ACTION:** Item separated by Vice-Mayor Steinberg, and heard in conjunction with R9F. **Resolution 2014-28560 adopted as amended.** Motion made by Vice-Mayor Steinberg to revisit item C7S in 18 months, with quarterly LTC reports given by the Administration, and including development of criteria; seconded by Commissioner Tobin; Voice-vote: 6-0; Absent: Commissioner Wolfson. **Max Sklar to handle.**

**Amendments:**

1. Revisit item in 18 months;
2. Issue quarterly LTC reports; and
3. Develop criteria.



- C7T A Resolution Waiving Space Rental Charges At The Miami Beach Convention Center Of \$29,500.00 And Special Event Permit Fees Of \$1,250, As Well As Off-Duty Police And Fire Administrative Fees For Technology Foundation Of The Americas, Emerge Americas Conference.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28561 adopted. Max Sklar to handle.**

- C7U A Resolution Approving And Authorizing The Acceptance Of \$11,500 In Donations And Sponsorships Made To The City For The 2014 Food Truck And Music Festival, The Fire On The Fourth Event, And The Annual Family Service Day, As Well As Retroactively Approving And Authorizing The Acceptance Of \$1,350 In Donations And Sponsorships Made To The City For The Parks And Recreation Cheerleading Program, The North Shore Park Social Club Pot Luck Event, And Women Worth Knowing Event.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28562 adopted. Max Sklar to handle.**

- C7V A Resolution Authorizing The City To Negotiate With Wells Fargo Bank, National Association, A Proposer Under Certain Request For Proposals Dated March 20, 2014 For Taxable And Tax-Exempt Revolving Lines Of Credit, And If Unable To Reach Agreement With Said Proposer, To Negotiate With One Or More Of The Other Proposers Under Such Request For Proposals; And Providing An Effective Date.

(Finance)

**ACTION: Resolution 2014-28563 adopted. Patricia Walker to handle.**

**End of Consent Agenda**

**REGULAR AGENDA****R2 - Competitive Bid Reports****11:02:39 a.m.**

R2A Request For Approval To Issue Request For Qualifications (RFQ) No. 2014-050-SR For The Lincoln Road District Master Plan.

(City Manager's Office/Procurement)

**ACTION: Request authorized.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. **Marcia Monserrat and Alex Denis to handle.**

Marcia Monserrat, Senior Project Coordinator, explained that the City has appropriated over \$20 million over the next two years for a Capital Improvement project throughout Lincoln Road. However, there was no Master Plan as part of that process, and so with the assistance of the Lincoln Road property owners, the City developed this proposal for a qualified consultant to develop an iconic Master Plan throughout the entire Road, looking at existing historic structures, how to use them better in order to create a vision for the future of the Road, and addressing stormwater and sea level rise issues.

Jimmy L. Morales, City Manager, added that the infrastructure assessment, is coming back at the next meeting with the RFP.

**R5 - Ordinances****10:33:45 a.m.**

R5A An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places" To Prohibit Motorized Means Of Transportation On The Beachwalk Between 15th To 23rd Streets And Between 64th To 79th Streets, And On The Lummus Park Promenade (Also Known As The Lummus Park Serpentine Walkway) Between 5th And 15th Street; Providing For Repealer, Severability, Codification, And An Effective Date. **10:25 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Jonah Wolfson)

(Legislative Tracking: City Attorney's Office/Transportation Management)

(First Reading on March 5, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. Ordinance approved as amended on **first reading**. Second reading public hearing scheduled for May 21, 2014. Motion made by Commissioner Grieco to approve the Ordinance as amended; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Wolfson. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **City Attorney's Office and Jose Gonzalez to handle.**

**Amendments to Section 70-67(c):**

Adding the South Pointe Park cutwalk

The marina baywalk, with the exception of motorized golf carts used by the marina for maintenance at the baywalk

The beachwalk South of Fifth Street  
The sidewalk on the East side of Ocean Drive

Commissioner Wolfson stated that there have been accidents and significant injuries that have occurred in the area, and Segways degrades the visual perspective and historical theme of Ocean Drive. He moved the ordinance.

Commissioner Grieco asked that a public hearing be held first, and he would like to amend the ordinance. He wants to expand the area, and thinks the City Commission is going in the right direction. The beachwalk that is currently extended and built South of Fifth Street should be included, as well as the cutwalk inside South Pointe Park, the baywalk South of Fifth by Monty's, with the exception of motorized vehicles used by the marina. He thinks they will have support on this item. He recognized a resident and attorney Alex Perkins who will share his experience with clients.

Alex Perkins, President of the Miami Beach Bar Association and a personal injury attorney, agrees with everything that Commissioner Grieco said, and he would like to see the Commission expand some of the regulations. Segways do not have any place on sidewalks. He gave anecdotal evidence, because they do not track Segway accidents, and there is no way to do a public records request in the City focusing only on this particular subject. He has represented several people in the community over the past few years, elderly people especially, that have been hit by Segways.

Commissioner Wolfson asked if the riders carry insurance, and Mr. Perkins responded "definitely not."

Discussion was held regarding penalties for not carrying insurance.

Mr. Perkins explained that the penalties for not carrying the insurance is only a \$100 fine, so there is no incentive for those renting the Segways to have insurance.

Jose Smith, City Attorney, explained that when the original ordinance was passed, there was plenty of evidence regarding accidents. In fact, he has witnessed accidents and there are reports on file. He knows that the Boucher Brothers have seen accidents, and is on record. His recommendation is to pass this on second reading and then come back on first reading for the additional recommendations; otherwise, this will delay the implementation of this ordinance.

Commissioner Grieco disagreed, and thinks they should not do this as a piecemeal; this is not a piecemeal body. This item can be delayed for one month.

Discussion continued.

Raul Aguila, Chief Deputy City Attorney, suggested making the amendments now, and in May come back on second reading. The amendments for the record, will be amendments to Section 70-67(c) and it would be adding the South Pointe Park cutwalk, the marina baywalk, with the exception of motorized golf carts used by the marina for maintenance at the baywalk, and the beachwalk South of Fifth Street. If these amendments are adopted today, effectively this will be the first reading and the second reading will be held on May 21, 2014.

Commissioner Malakoff added that they need to increase penalties if Segway riders do not carry the liability insurances required, and for renting Segways without governors attached so that the

speed cannot go over eight miles per hour, the allowable speed.

Discussion held.

Commissioner Grieco stated that this might have to be readdressed at committee.

Raul Aguila, Chief Deputy City Attorney, explained that in order to implement the prohibition on these sections as soon as possible, he agrees with the City Attorney that perhaps the additional penalties and insurance issues could be looked at a future date, but if this Commission wants to impose these additional sites now, then they can effectively accomplish this by passing this on first reading and go to second reading in May.

Discussion continued regarding penalties and suspending license.

Ronald Starkman, representing South of Fifth Neighborhood Association, stated that they need to add to the list the sidewalk on the east side of Ocean Drive. It is already prohibited to ride Segways on the west side, but not the east side and this is a narrow sidewalk heavily traveled. In terms of documentation, they sent dozens of letters received from people who had incidents and experiences, because from a legal standpoint, they need to justify this or it could be challenged by the Segway industry.

Commissioner Grieco will adopt the additional amendment, adding the sidewalk on the East side of Ocean Drive to his motion.

Ruth Remington stated that they should add all of South Pointe Park. It was explained that Segways were not authorized in South Pointe Park.

Discussion held regarding areas where Segways are currently prohibited and adding signage.

Commissioner Grieco made a motion to adopt the ordinance as amended; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Wolfson. Motion carries.

**Amendments:**

Adding the South Pointe Park cutwalk

The marina baywalk, with the exception of motorized golf carts used by the marina for maintenance at the baywalk

The beachwalk South of Fifth Street

The sidewalk on the East side of Ocean Drive

**Handouts or Reference Materials:**

1. The Miami Herald Neighbor's Section Ad No. 870, published April 10, 2014.
2. Letter from Collins Park Neighborhood Association [www.collinspark.us](http://www.collinspark.us) dated April 23, 2014 from Ray Breslin, president, CPNA, to the Mayor and Commission, RE: Segways and attached diagram.

**10:46:25 a.m.**

R5B An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including December 31, 2014; Providing For Repealer; Severability; Codification; And An Effective Date. **10:35 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Parks & Recreation)

(First Reading on March 5, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3850 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Wolfson. **John Rebar to handle.**

Ronald Starkman is in support of the extension until the new area can be constructed. He stated that the community has not had a presentation by the Parks Department on what is being contemplated there, and the City should have received a letter from Brian Harris, who has been speaking to Mr. Nelson from Hargreaves, who felt that the design was not consistent with what he thought was appropriate for the park. He requested dialogue with the neighborhood.

Commissioner Weithorn moved the item and asked to include the date when this is extending to for the public. Mr. Smith stated that the extension date is December 31, 2014, and the date was already in the Ordinance and Title.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 870, published April 10, 2014.

**10:48:27 a.m.**

R5C Minimum Unit Sizes For Historic Hotels In Commercial Districts  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Section 142-306, "Development Regulations" To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The CD-2 District; And By Amending Section 142-337, "Development Regulations And Area Requirements" To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The CD-3 District; Providing For Codification; Repealer; Severability; And An Effective Date. **10:45 a.m. Second Reading Public Hearing**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

(First Reading on March 5, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3851 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Wolfson. **Thomas Mooney to handle.**

Thomas Mooney, Planning Department Director, explained that this was an ordinance approved by the City Commission on first reading on March 5, 2014, and extends the same type of unit size limitations that the Commission approved last year for residential properties. The Administration

is recommending approval.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 870, published April 10, 2014.

**10:55:57 a.m.**

R5D Boat Docks And Marine Structures

An Ordinance Amending Chapter 66, "Marine Structures, Facilities And Vehicles," Article IV, "Vessels," Section 66-113, "Limitation On Projection Of Structures; Public Hearing," And Chapter 142, "Zoning Districts And Regulations," Section 142-1132, "Allowable Encroachments Within Required Yards," Modifying The Procedures For Approval Of Docks That Extend Beyond The Permitted Distance Into A Waterbody; Providing For Repealer; Codification; Severability And An Effective Date. **10:55 a.m. Second Reading Public Hearing**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

(First Reading on March 5, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3852 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 5-0; Absent: Commissioners Grieco and Wolfson. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, explained that this is an ordinance that was approved on first reading on March 5, 2014, and takes the authority for approving projections of docks and marine structures, and transfers them from the Planning Board to staff.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 870, published April 10, 2014.

**11:06:27 a.m.**

R5E RM-2 Oceanfront Height Regulations

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3 "Residential Multifamily Districts" By Amending Section 142-217, "Area Requirements," Regarding Maximum Building Height And Maximum Number Of Stories For Oceanfront Lots With A Property Line Within 250 Feet Of North Shore Open Space Park; Providing For Codification; Repealer; Severability; And An Effective Date. **11:05 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Jonah Wolfson)

(Legislative Tracking: Planning)

(First Reading on March 5, 2014)

**ACTION:** Title of the Ordinance read into the record. Item opened and continued to April 30, 2014 at 5:45 p.m. Motion made by Commissioner Weithorn to open and continue the item; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Commissioner Wolfson. Lilia Cardillo to place on the Commission Agenda. **Thomas Mooney to handle.**

Michael Larkin spoke.

**City Clerk's Note:** See related item C6E #6.

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## Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 870, published April 10, 2014.
2. Letter from Boardwalk Properties FL, LLC dated April 22, 2014 RE: April 23, 2014 City Commission Agenda Item R5E to Honorable Mayor and Commissioners.

**11:16:07 a.m.****R5F RM-3 Oceanfront Setbacks for Detached Structures and ADA Walkways**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3 "Residential Multifamily Districts" By Amending Section 142-247, "Setback Requirements," Regarding Setback Requirements For Detached Additions In Oceanfront Lots Located Within The Miami Beach Architectural District; By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 4 "Supplementary Yard Regulations," Section 142-1132, "Allowable Encroachments In Required Yards," Regarding Americans With Disabilities Act (ADA) Walkways And Ramp Structures With Awnings In Side Yards; Providing For Codification; Repealer; Severability; And An Effective Date. **11:15 a.m. Second Reading Public Hearing**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

(First Reading on March 5, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3853 adopted with modified language.** Motion made by Commissioner Malakoff to approve the Ordinance with the modification suggested by the Planning Director and that notices go out to affected property owners before it goes to HPB; seconded by Commissioner Grieco; Ballot vote: 5-1; Opposed: Commissioner Tobin. **Thomas Mooney to handle.**

**MODIFIED LANGUAGE:**

"Notwithstanding the above, for oceanfront lots located in the Miami Beach Architectural District, the Historic Preservation Board may approve detached additions at a height not to exceed 25 feet, and setback requirements as follows: provided that the Board determines that the Certificate Of Appropriate criteria in Article X of the Land Development Regulations have been addressed, and then they list the setbacks."

Jeffrey Bass, representing Marseilles Hotel, stated that staff report recognizes a law that everybody take seriously, which is a law of unintended consequences, and he is here to address that and offer what he hopes to be a sound procedural cautionary protection against unintended consequences. It would be bad policy and a waste of time to solve one problem, and while solving that one problem create a host of other problems for those other property owners, not involved in the one problem that is giving rise to the ordinance, but who own property within the scope of the ordinance which could be impacted by the relaxation of the setbacks. He urged the City Commission to amend the proposal, consistent with staff's recommendation and require notice and a public hearing before the HPB, for review of specific proposals, to make sure that a specific proposal that wishes to benefit from these relaxed standards, mitigates and guards against any injurious affect that could arise on the neighbors as a result of this setbacks. He clarified that the relaxed setbacks should not be as of right, or the height. The applicant should be able to ask for them, and if appropriate within a given context, the HP Board should be able to approve them.

Tucker Gibbs, represent the Richmond Hotel, which is right next to the Raleigh Hotel. Their

position is simple; this would allow the Raleigh to build the proposed cabanas next to his client's property, five feet from the property. Right now, they have to be eight feet from the property. His client received no notice of this ordinance and he knows that his client technically is not entitled to anything more than the published notice, but his client did not know about it and he is affected by it. This ordinance is for the sole purpose of subverting a legal process in process right now, that is likely to result in the voiding of a variance granted to the Raleigh hotel by the Board of Adjustment and has already been argued. He urged them to reject this ordinance, because it does have unintended consequences and it is going to impact people.

Michael Larkin, Esq., representing owners of The Raleigh Hotel, explained that the adoption of this ordinance would have a tremendous impact on these hotel owners. It will lead to an increase in the number of hotel units, particularly suite hotel units. Seven properties can benefit right away with surplus floor area and build the cabanas. Other properties that do not have floor area can have open-air cabanas. This takes them back to the beginning where the cabanas were the social and focal center of the hotels in the 30's and 40's and is restoring the original setbacks. Beyond what the Administration is proposing, no additional language needs to be added to the ordinance. It is important to point out that if one does not want to take advantage of this ordinance, one could build a structure at 50 feet in height in your rear yard at ten feet away from the property line. If one takes advantage of the ordinance, one drops it down to 25 feet. Discussion continued. He urged the Commission to adopt the ordinance with the additional language the Administration is recommending.

Neisen O. Kasdin, Esq., representing the Bee Hotel, the former Nautilus Hotel, concurs with Mr. Larkin. This would allow the re-establishment of the cabanas that historically existed in these hotels; it involves a limited area of the City, the RM-3 architecture districts in the Lincoln area to 23<sup>rd</sup> Street. Most of the buildings are 100-foot wide lots with approximately 400 feet in-depths. Almost all of them had cabanas structures, which deteriorated over time and had to be demolished. None of those cabana structures were able to be within the existing setback under the ordinance today. The ordinance as proposed would allow the recreation of the historic cabana structures, which are an integral part of the life, design and activity of the historic hotels. This is consistent with the way the hotels were originally build, and allowing them to build cabanas in the yard at the time the properties were built according to the setbacks. It is not fair and it is not good way to proceed, to require each project to seek a variance to establish a hardship, when it is really a matter of legislation, and that the zoning should provide and allow for this, and he urged its adoption.

Thomas Mooney, Planning Director, explained that in the Commission Memorandum, they recommended a slight modification to the ordinance regarding requirement for HPB approval, and since then additional language was drafted, and he read it for the record: "Notwithstanding the above, for oceanfront lots located in the Miami Beach Architectural District, the Historic Preservation Board may approve detached additions at a height not to exceed 25 feet, and setback requirements as follows: provided that the Board determines that the Certificate Of Appropriate criteria in Article X of the Land Development Regulations have been addressed, and then they list the setbacks."

Commissioner Tobin is not going to be supporting this variance. It is disturbing to him and for the future; he thinks they need to do a better job with noticing. Abutting neighbors did not get specific formal notice. The lots are 50 feet wide. He thinks the Code is wrong; presently the Code allows a two-story (40-foot structure) with an 8-foot setback, and they are only dealing with 50 feet. When there is a lot that is 50 feet wide and one can put a two-story structure cabana, it cannot be as a matter of right. He is concerned about the notice and he is not voting for it because he thinks the



impact is not necessarily going to be a positive impact. They can tweak it to maybe wider lots, but this is going to be more liberal than the residential neighborhood.

Commissioner Malakoff stated that as far as notice is concerned, the owner of the Marseilles Hotel contacted her about three weeks ago. She believes that most of the hotel owners in that district were informed. She believes that there is no need for a variance for every hotel and it does not mean a right that hotels on a 50-foot lot should be putting in cabanas. They may not want them. They may not have the space. They can still put in open-air cabanas. While she was growing up in Miami Beach, many, if not all of the hotels, along the ocean had open-air cabanas in the back. With the recent years with the advantage of air conditioning, there have been more hotel units added, and the City needs more hotel units as they beautify, modernize and expand the Convention Center. She will be in favor of the motion, as this will be reviewed by the Board of Adjustment and Historic Preservation Board. This is a great advantage to hotel owners. She moved the item.

Commissioner Grieco supports this for the same reason as Commissioner Malakoff.

Commissioner Weithorn asked if when HPB reviews, are adjacent properties notified of those meetings. She supports this in concept, but notice and review are important.

Commissioner Tobin asked if HPB looks at the aesthetics.

Thomas Mooney, Planning Director, explained that the way this is written is that HPB may approve, so they do not have to. They can conclude that these more relaxed setbacks do not work based on the criteria. Discussion continued.

Motion made by Commissioner Malakoff to approve the item with the modification suggested by the Planning Director and that notices go out to affected property owners before it goes to HPB; seconded by Commissioner Grieco; Ballot vote: 5-1; Opposed: Commissioner Tobin.

#### Handouts and Reference Materials:

1. Email from Kent Harrison Robbins dated April 22, 2014 RE: Unlawful Lobbying Activity Concerning City Commission Agenda Item R5F

**11:32:28 a.m.****SUPPLEMENTAL MATERIAL 1: Memorandum & Ordinance**

R5G Prohibit Advertisement Of Short Term Rentals/Commercial Use In Residential Zoning Districts  
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending The Definitions Therein, And By Adding New Subsection (c)(1)d, Which Prohibits Advertising Of Unlawful Occupancy And Use; By Amending Subsection (c)(2), Which Removes The Limitations On Enforcement; By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Adding New Subsection (b)(5)a Which Prohibits The Advertisement For The Lease Of Single Family Homes For Less Than Six Months And One Day, By Adding New Subsection (b)(5)b, Which Provides The Enforcement For A Violation Of Section (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Section (a) To Prohibit The Advertisement Of Short Term Rental Of Apartments Units Or Townhomes; And Providing For Repealer, Severability, Codification, And An Effective Date. **11:25 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Edward L. Tobin)  
(Legislative Tracking: City Attorney's Office)  
(First Reading on March 5, 2014/Referred to LUDC)  
**(Memorandum to be Submitted in Supplemental)**

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3854 adopted.** Motion made by Commissioner Tobin to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. **City Attorney's Office to handle.**

Commissioner Tobin explained that this ordinance helps the City Attorney's Office to enforce the short-term rental prohibitions; however, he is concerned with the Temple House, as the ordinance does not specifically address the owner, and the Temple House is exempt because of certain ways that his property is different. He asked for language clarification.

Aleksandr Boksner, First Assistant City Attorney, stated that the way the City Attorney's Office interprets the ordinance, and intends on providing legal guidance to Code or the Police Department, is as follows: First identify whether or not there is a permitted use. If they are permitted to utilize the property on a transient basis, then there can never legally be a notice of violation issued by the Code Compliance Department. The ordinance protects those individuals previously authorized by the City to operate on a transient basis, and it includes some examples such as the Flamingo Park district.

Jose Smith, City Attorney, added that in Section 142-111(a) of the Code, there is a specific provision that if the property is allowed under the Land Development Regulations to operate a short-term rentals, then this Ordinance would not apply, as it is grandfathered in.

Discussion held.

Commissioner Malakoff asked that when Mr. Arriola gave the report of the North Beach Blue

Ribbon Panel, they mentioned interest in the short-term rentals in North Beach, and she is not sure whether they wanted to have the ability to do short-term rentals, which this would prohibit.

City Attorney Smith explained that short-term rental is prohibited now in most areas in North Beach that are not properly zoned for hotel uses, but if they want to open it up, and allow it in areas that are currently prohibited, then they will have to amend the ordinance. Discussion held.

Daniel Dally stated that Jeff Donnelly asked him to come. He encouraged the City Commission to adopt the ordinance. In doing so, as he understands it, it would simply make it easier to enforce.

Ray Breslin expressed concern regarding enforcement and stated that it is important that they pass something to protect the residents, but his main concern is how it will be enforced.

Daniel Davidson expressed his thanks to the City Commission for providing clarity. They operate within the confines of the law and will continue to do so.

Eric Harrari stated that people that operate short-term rentals illegally do not get audited or pay resort taxes. He thinks that by blocking people from advertising, the City will be able to regulate this. He stated that people should not have any exemptions for paying the resort taxes.

Carl Housen actively worked for the last two years with Code Enforcement to stop the illegal short-term rental that goes on all over North Beach; what is happening there is so out of control right now that she would like the City Commission to control what is being done there. The Task Force found groups that rent as many as 20 apartments up and down the north end, who do long term one-year leases and target absentee owners that do not live here and do not use the property managers and prepay the rents by year, and they meet the short-term rental tenants on the street and escort them in. They found over 25 in Aqua alone, so it is a safety issue.

Discussion held.

Commissioner Tobin made a motion to move the item; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson.

#### Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 870, published April 10, 2014.
2. Speaker's List

**11:44:18 a.m.****R5H No Wake Zone Ordinance**

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, Entitled "Restricted Wake Zones," By Amending Section 66-43, Entitled "Restricted Areas," By Amending Subsection C Thereof Regarding The Slow Speed, Minimum Wake Zone By Amending The Boundaries Thereof And Amending Area C On The Appendix Thereto; Providing For Repealer, Severability, Codification, And An Effective Date. **11:35 a.m. Second Reading Public Hearing**

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: City Attorney's Office)

(Continued from February 12, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3855 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Commissioner Wolfson. **City Attorney's Office to handle.**

**Handouts or Reference Materials:**

1. The Miami Herald Neighbor's Section Ad No. 866, published April 10, and April 17, 2014.

**11:46:31 a.m.**

**R5I** An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Florida, Entitled "Miscellaneous Offenses," By Amending Section 70-2, Entitled "Reserved" To Create Regulations That Define Nicotine Vaporizer And Liquid Nicotine And That Prohibit The Sale, Barter, Providing Directly Or Indirectly, Gifting, Making Available For Use Or Possession, Or The Furnishing Of Nicotine Vaporizers And Liquid Nicotine To Persons Under The Age Of Eighteen (18); Moreover, Making The Possession Of Nicotine Vaporizers And Liquid Nicotine Illegal For Persons Under The Age Of Eighteen (18); And Providing Penalties For Violations; Providing For Repealer; Severability; Codification; And An Effective Date. **11:45 a.m. Second Reading Public Hearing**

(Sponsored by Vice-Mayor Micky Steinberg)

(Legislative Tracking: City Attorney's Office)

(First Reading on March 5, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3856 adopted.** Motion made by Vice Mayor Steinberg to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. **City Attorney's Office and Joe Jimenez to handle.**

Vice-Mayor Steinberg introduced the item, and stated that there was no State preemption.

Aleksander Boksner, First Assistant City Attorney, explained that there were amendments done in the Florida Legislature, and is being returned to the Senate for consideration. The City Attorney's position is that the ordinance should be passed as written, and if they need to address amendments to it when the State gets around taking final action, they will deal with it at the City level.

**Handouts or Reference Materials:**

1. The Miami Herald Neighbor's Section Ad No. 870, published April 10, 2014.

**5:07:25 p.m.****R5J Alton Road Historic District Buffer Overlay**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Sponsored by the Land Use & Development Committee/Requested by City Commission)

(Legislative Tracking: Planning)

(Continued from March 5, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. Motion made by Commissioner Grieco to approve the Ordinance as amended; seconded by Commissioner Malakoff; Ballot vote: 5-1: Opposed: Commissioner Tobin; Absent: Commissioner Wolfson **Thomas Mooney to handle.**

**City Clerk's Note:**

On the April 30, 2014 Presentations & Awards/City Commission Meeting, Commissioner Joy Malakoff placed the following item on the Agenda:

- R9D - Reconsideration Of My Vote On The Alton Road Buffer Overlay (R5J) From The April 23<sup>rd</sup> Commission Meeting.

The request for reconsideration was approved 7-0. A new Public Hearing/Second Reading on the item was scheduled for May 21, 2014 at 5:05 p.m.

See the April 30, 2014 and the May 21, 2014 agendas for additional information.

**MODIFIED LANGUAGE:**

The proposed exemption for properties within contributing buildings and existing in the district would not apply to properties that are combined or aggregated with adjacent properties

**EXCEPTION:**

Development application submitted to and considered by a Land Use Board prior to April 23, 2014, may proceed under the existing Land Development Regulations.

Thomas Mooney, Planning Department Director, explained that the item was approved on first reading in February and scheduled for second reading in March, but because it had to be noticed after 5:00 p.m. and City Hall closed in March early due to the Emergency Management Drill, it was moved to this meeting. They have incorporated all changes approved by the City Commission on first reading into the body of the ordinance, and made recommendations in their conclusion regarding a few more tweaks that would address some concerns of affected property owners that have existing contributing buildings. He distributed a copy and made an additional change in the recommendations. He read the proposed change: *"the proposed exemption for properties within contributing buildings and existing in the district would not apply to properties that are combined or aggregated with adjacent properties"*; so this exception is only for single

properties. They recommend adoption of ordinance.

Jeff Donnelly urged the adoption of this ordinance without the tweaks that were not considered at first reading, and urged them to adopt the ordinance because of his experience as Chair and member of the Historic Preservation Board. What he thinks the ordinance will do and do well is allow the Historic Preservation Board to make better decisions, more consistent decisions so developers have a good idea of what they will be doing and what they can and cannot do in this zone. This is an important consideration for this City Commission to make.

Commissioner Grieco asked Mr. Donnelly what the issue was with the modifications.

Mr. Donnelly explained that the modified language creates the possibility of an intrusive commercial use immediately adjacent to the bedrooms in the residences across the alley or in some cases adjacent to the properties. He added that while individual property owners may think differently, he thinks the development community at large wants consistency, and they want to know what the rules are, what they can do and what they cannot do.

Discussion held regarding modified language.

Thomas Mooney, Planning Department Director, in answering Commissioner Malakoff, explained that under the current Code these regulations do not exist, so unless they exceed the NIE threshold in the Code, there is no level of review; minor modifications suggested for contributing buildings, although they would create potential exemptions, they likely are not going to result in the removal of Planning Board approval. Discussion continued.

Commissioner Malakoff stated that contributing buildings or not, they still have to get the conditional use. Mr. Mooney clarified that non-contributing businesses still have to get conditional use; if it is contributing building under 10,000 square feet and meet the NIE threshold of 199 persons with entertainment, or 299 persons without entertainment, regardless square footage, they still need conditional use approval.

Commissioner Weithorn stated that what they are doing is specifying what contributing buildings can do. Discussion continued.

Jimmy Resnick stated that they have come a long way, and he is in support of this ordinance.

The following individuals spoke:

Nancy Liebman  
Mark Needle  
Mickey Marrero  
Allison Kotta  
Daniel Ciraldo

Discussion continued.

Commissioner Tobin asked Mr. Mooney about a Master Plan. Mr. Mooney stated that whatever the Commission does today could be modified when they adopt the Master Plan.

Motion made by Commissioner Grieco to adopt the ordinance with the modified language from Administration, and with the exception as read by Mr. Held; seconded by Commissioner Malakoff; Ballot vote: 5-1; Opposed: Commissioner Tobin; Absent: Commissioner Wolfson.

Gary Held, First Deputy City Attorney, read exception language into the record: *Development application submitted to and considered by a land use board prior to April 23, 2014, may proceed under the existing land development regulations.*

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 873, published April 10, 2014.
2. The Miami Herald Neighbor's Section Ad No. 870, published April 10, 2014.
3. The Miami Herald Neighbor's Section Ad No. 864, published February 20, 2014
4. The Miami Herald Neighbor's Section Ad No. 862, published February 20, 2014

**5:28:33 p.m.**

**R5K RM-2 Accessory Office Uses For Bay Front Apartments**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations" Article II "District Regulations," Division 3 "Residential Multifamily Districts", Subdivision IV "Residential Multifamily, Medium Intensity," Section 142-213, "Conditional Uses," To Expand The Conditional Uses In The RM-2 District To Include Certain Types Of Non-Medical Office Uses For Bay Front Apartment Buildings; Providing For Repealer; Severability; Codification; And An Effective Date. **5:10 p.m.**

**Second Reading Public Hearing**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

(First Reading Public Hearing on March 5, 2014/Referred to LUDC)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance rejected.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 3-3; Opposed: Mayor Levine, Vice Mayor Steinberg and Commissioner Tobin; Absent: Commissioner Wolfson. Motion failed.

Mayor Levine stated that they wanted to hear from the residents on this issue.

Jeff Silverman, Board President, Capri Condo Association, spoke in opposition. He stated that this would have a negative impact on the neighborhood and a myriad of negative impact to the Capri Association. There is parking challenge in the building as there are too many units for the spaces they have. The language of the zoning change is explicit that it applies to the entire district, and it has been suggested that this only applies to the office space in the 1470 building; there is another commercial unit in the 1445 building that could be affected. The unit owners, as represented by the board, are against this, and there was a memo that went out that was misleading, suggesting that unit owners as a personal favor to their real estate broker would come in favor of this.

Discussion held between Commissioner Tobin and Mr. Silverman regarding the reasons he opposes the adoption of the ordinance, and issues having to do with parking and valet in the commercial and residential units.

Mr. Silverman stated that they have a tight parking situation there, and in addition they have boardwalk issues.

Discussion continued regarding a possible gym or a day care center in the building used by nonresidents and the amount of space available.

Mayor Levine summarized by stating that the size and scope of it is inappropriate and nonfunctional, since the space does not work for that, so they want to change the use to have it work for another use. Discussion continued.

The following individuals spoke:

Al Philips, Capri resident  
Alex Tachmes, Esq.  
Christine Florez  
Bobby Duke  
Christina Quiroz  
Michael Cunningham

Commissioner Malakoff moved the item and stated that the individuals that spoke against the item, have no idea that they live in an RM-2 district, which allows family day care center, solariums, saunas, exercise studios, health club or massage services; this is part of the uses allowed and sees no objection; seconded by Commissioner Grieco.

**City Clerk's Note:** See related item C6F #9.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 874, published April 10, 2014.
2. The Miami Herald Neighbor's Section Ad No. 870, published April 10, 2014.
3. The Miami Herald Neighbor's Section Ad No. 867, published April 3, 2014

**5:54:56 pm**

R5L Religious Uses Ordinance - Religious Land Use And Institutionalized Persons Act (RLUIPA)  
An Ordinance Amending The City Of Miami Beach Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," And Article IV, "Supplementary District Regulations," To Provide For The Equal Treatment Of Religious Institutions In Multifamily, Commercial And Industrial Districts, As Required By Federal Law, Allowing Religious Institutions As A Matter Of Right Up To 199 Occupancy, As Either Main Permitted Or Accessory Uses As Set Forth In The Respective Zoning Districts, And Requiring Conditional Use Approval For Such Uses With Higher Occupancy, Providing For Repealer; Severability; Codification; And An Effective Date. **5:15 p.m. First Reading Public Hearing**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. Ordinance approved on first reading. Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 871, published April 10, 2014.



**11:04:13 a.m.**

R5M An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII "Standards Of Conduct," Section 2-458 Thereof Entitled "Supplemental Abstention And Disclosure Requirements" By Providing That A City Of Miami Beach Elected Or Appointed Public Officer With A Conflict Of Interest On A Particular Matter Shall Absent Himself From The Agency Meeting On Which He Serves During Said Agency's Discussion Of That Matter; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: City Attorney's Office)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda.

Commissioner Malakoff explained that she requested this item because she has seen that when board members announced that they could not vote on an item because of a conflict of interest, they do not leave the chambers. She added that this is the most ethical way of doing it.

**11:07:51 a.m.**

R5N An Ordinance Amending Chapter 10 Of The Miami Beach City Code, Entitled "Animals," By Creating Section 10-17, To Be Entitled "Certain Techniques And Devices Prohibited; Enforcement; Penalties"; And By Amending Sections 10-2 And 10-3 To Cross-Reference The New Provisions In Section 10-17; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**  
(Sponsored by Mayor Philip Levine)  
(Legislative Tracking: City Attorney's Office)

**ACTION:** Title of the Ordinance read into the record. **Item heard in conjunction with R5Z.** Ordinance approved on first reading. Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **City Attorney's Office to handle.**

Don Anthony, Communications Director of Animal Rights Foundation, spoke on this item and on R5Z. Mr. Anthony thanked the Mayor for bringing this to the attention of the Commission and he would like to save time and speak on the two issues he is concerned about (R5N and R5Z). All circus animals are caged, forced, beaten performers and are prodded with electric guns and hooks. If you used the same weapons on your dog, you would go to jail because it is abuse. Banning the weapons will keep out the circuses. Many cities have banned the weapons and several countries have come to the realization that to beat an animal senseless does not make sense and banned the use of wild animals. Now on the pet shops stores (R5Z), they get the dogs and cats from puppy mills. They all do. They are fifthly, disease is rampant and animals are inbred, resulting in conditions that may take a year or two to surface. They are commodities. They do not exist to go on a walk with you or catch a ball with you; they exist their entire lives in cages and machines so the off spring can be sold as commodities and then they are killed. This ordinance will protect Miami Beach consumers from purchasing a dog that has these horrific conditions and prevent residents from paying for the animals that are dumped at shelter because

the owners could not afford the veterinarian bills. It will also protect the animals that spend their lives in cages and pens. Pet stores can sell food and supplies, services, and they are available to sell the mixed breed dogs that fill up the shelters and local breeders are not affected. Several giant cities like Los Angeles, San Diego and Chicago have passed similar ordinances. This is a "win-win-win" situation. Good for consumers, good for taxpayers and animals and the City of Miami Beach. It shows that the City has compassion, and serves as a model for all other cities. He hopes the Commission passes both ordinances, and passes them unanimously.

Hallandale Beach Commissioner Michele Lazarow stated that she is proud to say that Hallandale Beach was the second City to pass the bull hook ban and the puppy mill ban. She thanked the Mayor and the Commissioners for bringing this matter forward. She has never believed in another issue like this; she too is a victim because she bought a sick dog in Hollywood. The puppy mill pet shop is a fraudulent industry and gives sick puppies to consumers that fall for the cute puppy in the window. Most get the animals from mills. There is no other option to keep this from occurring. She informed the Commissioners that North Miami Beach is having the first reading on a similar ordinance in the near future, and fifty municipalities have passed similar ordinance nationwide, with the list growing every day. There is no one in favour of this except those that profit of these animals. The Miami Beach Ordinance, in her opinion is one of the best. Please do not change one word. Miami Beach is an international destination and has a positive impact for the movement; because we are elected officials we are required to have greater empathy and passion, and she looks to Miami Beach to be a leader in the fraudulent purchase of sick puppies and take this step to end this industry.

Mayor Levine thanked Commissioner Michelle Lazarow.

Handouts or Reference Materials:

1. Email from Elizabeth Oreck [elizabetho@bestfriends.org](mailto:elizabetho@bestfriends.org) dated April 21, 2014 to Mayor's Office, City Manager and City Clerk RE: Support letter re: a pet sales ordinance from Best Friends Animal Society.

**11:45:21 a.m.**

- R50 An Ordinance Amending Chapter 82 Of The Miami Beach City Code, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishment Of Monuments And Memorials," By Amending The Definitions In Section 82-502, Amending The Criteria For The Naming Of Public Facilities And The Co-Naming Of Streets In Section 82-503; And Amending The Provisions In Section 82-505 For The Acceptance Of Monetary Donations In Consideration For The Naming Or Renaming Of Public Facilities; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**  
(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: City Attorney's Office)

**ACTION:** Title of the Ordinance read into the record. Item opened and continued to May 21, 2014. Motion made by Commissioner Grieco to open and continue; seconded by Vice-Mayor Steinberg; Voice vote: 6-0; Absent: Commissioner Wolfson. Lilia Cardillo to place on the Commission Agenda if received. **City Attorney's Office to handle.**

**11:48:39 a.m.**

R5P An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article I, Entitled "In General," By Creating Section 2-1, To Be Entitled "Reasonable Opportunity To Be Heard," To Provide Rules Regarding Public Participation In City Meetings; Providing For Repealer, Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by Neighborhood/Community Affairs Committee)  
(Legislative Tracking: City Attorney's Office)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **City Attorney's Office to handle.**

Pursuant to Section 2-13 of the Code, motion made by Commissioner Malakoff to accept the Neighborhood/Community Affairs Committee's recommendation of this Ordinance; seconded by Commissioner Grieco; Voice vote 6-0; Absent: Commissioner Wolfson.

Debora Turner, First Assistant City Attorney, introduced the item. This Ordinance codifies the practices the City currently has in place.

Jose Smith, City Attorney, explained that by adopting this, the City is following state law.

**2:01:14 p.m.**

**SUPPLEMENTAL MATERIAL 3: Ordinance**

R5Q An Ordinance Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division I, Entitled "Generally," By Amending Section 106-55, Entitled "Parking Rates, Fees, And Penalties," By Amending Subsection (n), Entitled, "Hybrid/ILEV (Inherently Low Emissions Vehicles) Vehicles Incentive," By Amending Vehicle Participation Criteria For The Hybrid/ILEV Vehicles Incentive Program To Include Vehicles With An EPA (Environmental Protection Agency) Smartway Designation; And Establishing An Annual Permit Fee For Scooters And Motorcycles; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**

(Sponsored By Mayor Philip Levine)  
(Legislative Tracking: Parking)

**ACTION:** Title of the Ordinance read into the record. Item heard in conjunction with item R9R. Ordinance approved on first reading as amended. Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Tobin; Ballot vote: 5-0; Absent: Commissioners Grieco and Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Saul Frances to handle.**

**Amended language:**

"Scooter and motorcycle annual parking permit fee of \$100.00 for residents for scooters or motorcycles honored at all municipal metered scooter and motorcycle parking spaces."

Saul Frances, Parking Department Director, introduced the item.

Discussion held.

**2:04:41 p.m.**

Raul Aguila, Deputy City Attorney, explained that this permit for \$100 a year will allow parking anywhere but only on scooter designated parking space. He stated that he consulted with bond counsel and the issue was 1) how do we eliminate the nightmare of a permit process, 2) how can we offer free parking. The answer he received without amending the bond covenants (which will require the vote of the bondholders) was that the City could offer free parking only on the designated hours. He added that the City designate the hours.

Discussion held.

Commissioner Malakoff stated that she does not want to encourage scooters in the City; she does not agree that they should have free parking, and she would not expand the hours. She added that we should have [car electric] chargers in our garages and should be encouraging electric and hybrid vehicles.

Commissioner Weithorn stated that if the City is going to the pay by plate, why could there not be a plate-designated fee of \$100 for motorcycles and scooters, and does it electronically? She would only allow the \$100 fee to residents and people who work on Miami Beach, and not the scooter rental companies.

Discussion continued.

Commissioner Weithorn stated that the fee should be whatever it costs the City, and added that the law should be enforced on those that do not follow it.

Discussion continued.

**2:12:22 p.m.**

Raul Aguila, Deputy City Attorney, stated that they have a way for doing the pay by plate for residents but we need to figure out how to do it for people that work here.

Discussion continued.

Raul Aguila, Deputy City Attorney, read proposed language into the record: "Scooter and motorcycle annual parking permit fee of \$100.00 for residents for scooters or motorcycles honored at all municipal metered scooter and motorcycle parking spaces."

**3:02:53 p.m.**

R5R An Ordinance Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division I, Entitled "Generally," By Amending Section 106-47, Entitled "Freight, Commercial, And Passenger Curb Loading Zones; Hours, Deliveries"; Creating Subsection (F), Permit Required; Further Amending Section 106-55; Establishing Subsection (O), Entitled, "Freight Loading Zone (FLZ) Permit"; And Subsection (P), Entitled, Alley Loading (AL) Permit; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**

(Sponsored By Commissioner Michael Grieco)

(Legislative Tracking: Parking)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion made by Commissioner Grieco to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Saul Frances to handle.**

Commissioner Grieco stated that this ordinance is the product of combined efforts of the Parking Department and himself, in resolving the existing problem after repeated and loud complaints from the residents. The major complaint is the blocking of lanes on the major thoroughfares in Miami Beach by commercial vehicles. This is not only a nuisance, but it has a huge negative impact on the quality of life and traffic in the City. He raised this issue as a discussion item at a previous Commission meeting, then direction was given to the Parking Department to come up with a plan. He applauded Mr. Frances for the work done and added that he is very impressed and hopes his colleagues are impressed as well.

Saul Frances, Parking Department Director, explained that this item is an amendment to the City Code to create a permitting process and a permitting system for freight loading in major thoroughfares. They looked at different jurisdictions throughout the country, including Seattle, Chicago, Portland, Oregon, San Jose, Orlando and New York, as mentioned at the previous meeting; they all have a permitting system for their freight and commercial loading. Conceptually, they are suggesting doing a permitting system to loading zones on major thoroughfare, by vehicle classification. Currently the City Code identifies commercial vehicles as those that are 10,000 pounds or greater gross vehicle weight, and provide those freight-loading zones for opportunities for the larger vehicles. Smaller vehicles are using the existing loading zones. The legislation that is in place now provides some challenges in being able to enforce it due to time limit. For those users of smaller vehicles, they are suggesting the alley, also with a permitting system, so they will have a permit for the loading zone for the larger vehicles, and a permit system for the smaller vehicles in the alley. The Police Department would be enforcing any double parking, which is a moving violation, with a fine of \$129, and there are points assessed to the commercial driver's license, so insurance cost go up, and it is a good deterrent towards that. The Parking Department would enforce the freight loading zones, those vehicles would be required to have a permit, and they would use the license plate platform to enforce that as well. Code Enforcement would enforce the provision when loading is prohibited. Currently the Code allows enforcement of any business that would accept delivery outside the permitted hours.

Commissioner Grieco explained that there would be signage and code enforcement changes along with this ordinance. He added that enforcement is a crucial part of it, both from Parking and Police.

Commissioner Tobin asked Mr. Frances about one-time delivery cases and loading zone hours

prohibition with signage of “No Loading.”

Saul Frances, Parking Department Director, stated that the issue of one-time deliveries would be addressed with the City Attorney’s Office between first and second reading, and there will be a “pay-by-phone” option. As far as the loading zone hours, it was found that without a requirement for the vehicles, or some sort of registration or prequalifying of which vehicles are allowed to use the loading zones, they tend to be used by an assortment of different vehicles. That is the reason they went with the vehicle classification by a weight limit. By large, many of the obstructions on the roadways are these larger trucks.

Commissioner Tobin asked if it would be easier to prohibit loading after 9:00 a.m. in the morning.

Commissioner Grieco explained that one of the issues addressed over the years is that there has to be somebody at these businesses to receive the merchandise, and there are nightclubs and restaurants that are not open that early in the morning. He does not think that it is practical. He reached out to several of the businesses especially on Washington Avenue, and it is just not practical. These times were not pulled out arbitrarily. They were the least restrictive and the ones most positive. The hours can always be changed, but this is a first step.

Commissioner Tobin thinks this is a great, but is wondering if they want to eliminate someone having to come and register if they do the deliveries early in the morning.

Saul Frances, Parking Director, stated that they provide certain time frames to do the deliveries. Some are in the morning, some will include the afternoon. They have had conversations with the restaurants and the businesses, and they are looking to get delivery sometimes in the afternoon, in order to provide fresh produce, and that is the feedback they received. They will continue with the outreach to the business community and purveyors to receive their perspective.

Commissioner Tobin stated that it would be a good idea to let people know that if they want to deliver real early in the morning, it would obviate the necessity for them to get a permit.

Saul Frances, Parking Department, explained that some of these locations are adjacent to residential neighborhoods, and they do not want to be delivering too early in the morning due to noise from truck’s backup alarms. Five in the morning is too early to be delivering to a business with condominiums or residential buildings behind them. He added, in response to Commissioner Tobin’s question, that they would have an online permitting system this summer.

#### **SUPPLEMENTAL MATERIAL 4: Ordinance**

**2:14:40 p.m.**

R5S An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled “Administration,” By Amending Article IV Entitled “Officers And Employees,” By Amending Section 2-191 Entitled “Enumeration Of Organizational Units,” By Creating The Office Of Housing And Community Services And Transportation Department; And Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. **First Reading**  
(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Human Resources)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 5-0; Absent: Commissioners Grieco and Wolfson. Second reading and

Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Sylvia Crespo-Tabak to handle.**

Commissioner Weithorn stated that this is a clean-up item.

Commissioner Malakoff added that this also creates the Transportation Department.

**R5T AFSCME MBERP Ordinance**

An Ordinance Implementing Provisions Of The 2013-2016 Collective Bargaining Agreement Between The City And The American Federation Of State, County And Municipal Employees, (AFSCME) Local 1554; Amending The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504; Amending Section 2.26 Of The Plan By Extending The Deferred Retirement Option Plan (DROP) Program From Three (3) To Five (5) Years For Eligible Members; Amending Section 5.13 To Reflect Amended Eligibility And Participation Requirements And Amended DROP Plan Features; Amending Section 4.03 By Eliminating The Purchase Of Additional Creditable Service Effective April 23, 2015; Amending Section 6.02 Of The Plan By Reinstating An Additional Two Percent Member Contribution For Members Of The AFSCME Bargaining Unit Hired Prior To September 30, 2010; And Eliminating The Additional Two Percent Member Contribution When The Plan Actuary Confirms That The City's Annual Required Contribution To The Retirement Plan Is 23.5% Of Payroll Or Less; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **First Reading**  
(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Human Resources)

**ACTION:** Title of the Ordinance read into the record. Item deferred to April 30, 2014. Lilia Cardillo to place on the Commission Agenda if received. **Sylvia Crespo-Tabak to handle.**

**2:16:03 p.m.**

**SUPPLEMENTAL MATERIAL 1: Ordinance**

**R5U** An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group I, Represented By The American Federation Of State, County And Municipal Employees (AFSCME) Local 1554, In Accordance With The Negotiated 2013-2016 Collective Bargaining Agreement; Effective Upon Ratification Of The Collective Bargaining Agreement, The 2009 Condrey Classification And Compensation Study, Inclusive Of Subsequent Amendments, Will Be Implemented, Establishing The Minimum Salary For All Bargaining Unit Classifications In Accordance With "Scale C" Of The Study, And Establishing The Maximum Salary For All Bargaining Unit Classifications In Accordance With "Scale B" Of The Study; Effective April 1, 2014, There Shall Be An Across The Board Cost-Of-Living Adjustment (COLA) Of Two Percent (2%), And The Minimum And Maximum Of Each Pay Range, Including The Pay Ranges In The 2009 Condrey Classifications And Compensation Study, As Amended, Will Also Be Increase By Two Percent (2%); Further, Effective April 1, 2015, There Shall Be An Across The Board Cost-Of-Living Adjustment (COLA) Of One Percent (1%), For Employees Whose Base Salary Does Not Exceed The Maximum Of Their Pay Ranges As Recommended By The 2009 Condrey Classification And Compensation Study "Pay Scale B," Inclusive Of Subsequent Amendments, And The Minimum And Maximum Of Each Pay Range, Including The Pay Ranges In The 2009 Condrey Classification And Compensation Study, As Amended, Will Also Be Increased By One Percent (1%); Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**

(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Human Resources)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Tobin; Ballot vote: 5-0; Absent: Commissioners Grieco and Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, introduced the item. Ms. Brooks explained that this item effectively implements the salary portion of the contract that the Commission ratified this morning under R7H, and there are 305 positions and it provides, for the 2 percent cost of living adjustment, effective, and retroactive to April of this year and the one percent, in April of next year, and implements the Condrey Classification and Compensation plan for the AFSCME employees, and there are 74 employees in that are under the minimum of what was recommended by the consultant, and five employees that are over the maximum that would then be red circled. The contractual impact of this is \$1.1 Million and the five-year impact is \$2.2 Million. Ms. Brooks added that those costs were offset by the other concessions.

Commissioner Weithorn stated that this was a much more difficult contract to negotiate than any of us have wanted it; but, we believe that this is the fairest contract that we could bring, and she recommends it.

Commissioner Weithorn thanked Kathie G. Brooks, Sylvia Crespo-Tabak and the Human Resources negotiating staff, who did analysis of every AFSCME employees' salary. We actually reached out to the Union and said, "if you want to know how this affects you personally, call Human Resources," and the staff ran the numbers for every single member of the Union.

**2:19:46 p.m.**

**SUPPLEMENTAL MATERIAL 1: Ordinance**

R5V Others Salary Ordinance

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group VI, Not Represented By A Collective Bargaining Unit And Commonly Referred To As "Others"; Effective April 23, 2014, Adopting The 2009 Condrey Classification And Compensation Study, Amended By Seven Percent (7%) In August 2013, By The Consultant, Establishing The Minimum Salary For All "Others" Salary Group Classifications In Accordance With "Scale C" Of The Study, And Establishing The Maximum Salary For All "Others" Salary Group Classifications In Accordance With "Scale B" Of The Study; Adopting The Classification Titles As Recommended Therein, Amending The Minimum And Maximum Of Each Range By Two Percent (2%) Effective April 23, 2014 And One Percent (1%) Effective April 1, 2015; Changing The Title Of The Human Resources Technicians I, II And III To Human Resources Technician; Deleting The Following Obsolete Classifications: Administrative Aide II/Risk And Employee Benefits Specialist; And Establishing The Newly Created Classification Of Case Worker Assistant And Recreation Attendant; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**

(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Human Resources)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion



made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 5-0; Absent: Commissioners: Grieco and Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, introduced the item. Ms. Brooks explained that this implements the same provisions as the Commission just adopted for the AFSCME bargaining group, for those classified employees in the City, who are not a member of any bargaining group and there are 23 of those positions, and three of them are under the minimum that will be brought up to the minimum. The annual impact is about \$5,000.

Commissioner Weithorn stated that this is a fairness issue, we have always treated non-classified employees the same as the classified employees who do similar work.

**2:22:07 p.m.**

**SUPPLEMENTAL MATERIAL 1: Memorandum & Ordinance**

**SUPPLEMENTAL MATERIAL 4: Updated Memorandum & Ordinance**

**R5W Unclassified Salary Ordinance**

An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group VII, Comprised Of At-Will Employees Commonly Referred To As "Unclassified Employees," Effective April 23, 2014, Adopting The 2009 Condrey Classification And Compensation Study, Amended By Seven Percent (7%) In August 2013, By The Consultant, Establishing The Minimum Salary For All Unclassified Salary Group Classifications In Accordance With "Scale C" Of The Study, And Establishing The Maximum Salary For All Unclassified Salary Group Classifications In Accordance With "Scale B" Of The Study; Amending The Minimum And Maximum Of Each Range By Two Percent (2%) Effective April 23, 2014 And One Percent (1%) Effective April 1, 2015; Adopting The Classification Titles As Recommended Therein: From Chief Structural Plans Examiner To Chief Structural Engineer, From Expenditure/Treasury Manager To Treasury Manager, From Executive Assistant To The City Manager To Assistant To The City Manager, From Utility Superintendent To Water And Sewer Superintendent, From Property Management Contracts Coordinator To Maintenance Management Coordinator, From Tourism And Convention Director To Marketing And Tourism Manager, From Labor Relations Division Director To Labor Relations Manager, From Chief Engineering Inspector To Governmental Compliance Coordinator, From Field Supervisor To Field Inspections Supervisor-CIP/ Planning And Zoning Inspector, From Police Financial Assistant To Business Manager, From Community Development Specialist To Housing And Community Development Specialist, From Field Agent To Tax Auditor, Constituent/Commission Aide To Commission Aide, From Call Center/ Customer Service Manager To Community Outreach Manager, From Truancy Prevention Program Coordinator To Truancy Coordinator, From Assistant Director Parks/Assistant Director Recreation To Assistant Director Parks And Recreation, From Departmental ADA Coordinator To ADA Coordinator From Urban Forrester To Parks Superintendent - Urban Forrester; New Classification Titles: Asset Specialist, Assistant City Attorney I, Educational Aide, Parks And Recreation Administrative Specialist, Planner I And Planner II, Development And MBTV Director, Public Arts Coordinator, Program Coordinator (Youth Empowerment Network), Project Manager, Senior Legal Secretary, Tutoring Supervisor; Incorporating Additional Classification Changes: From Assistant Director - Code Compliance To Code Compliance Assistant Director, From Housing And Community Development Division Director To Housing And Community Services Director; Deleting The Following Obsolete Classifications: Account Manager - Finance, Assistant For Labor Relations, Office Of Child Development Director, Real Estate Housing And Community Development

Director, Labor Relations Director, Housing, Community And Economic Development Division Director, Office Of Community Services Division Director, Public Safety Special Projects Coordinator, Registrar; And Establishing The Newly Created Classifications Since The 2009 Study: Building Official, Recreation Supervisor II, Code Compliance Director, Senior Code Compliance Administrator, Senior Media Specialist, Senior Business Manager, Capital Improvement Projects Division Director, Chief Learning And Development Officer, Emergency Management Specialist, Intern, Housing And Community Services Department Director, Management And Budget Analyst I, Mayor And Commission Branding Manager, Mayor And Commission Office Manager, Planning Department Deputy Director, Public Safety Communications Unit Director, Secretary, Senior Human Resources Specialist, Transportation Analyst, Transportation Operations Supervisor, Transportation Director; Permitting The Recognition Of Employees Over The Maximum Of Their Respective Salary Ranges, By Allowing For One-Time, Non-Recurring, Non-Pensionable Adjustments Of Up To Two Percent Of Their Salaries Based On Whether They Met, Exceeded Or Significantly Exceeded Performance Expectations As Reflected By The Ratings On Their Individual Performance Evaluations; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**

(Sponsored by Commissioner Deede Weithorn)

(Finance and Citywide Projects Committee)

(Legislative Tracking: Human Resources)

**ACTION:** Title of the Ordinance read into the record. Motion made by Vice-Mayor Steinberg to approve the Ordinance as written; seconded by Commissioner Malakoff; Ballot vote: 3-2; Opposed: Commissioners Tobin and Weithorn; Absent: Commissioners Grieco and Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received, and to remove Commissioner Weithorn as the sponsor. **Sylvia Crespo-Tabak to handle.**

Pursuant to Section 2-13 of the Code, motion made by Vice-Mayor Steinberg to accept the Finance and Citywide Projects Committee's recommendation of this Ordinance; seconded by Commissioner Malakoff; Voice vote 4-1; Opposed: Commissioner Weithorn; Absent: Commissioners Wolfson and Grieco.

**TO DO:**

Remove Commissioner Weithorn as the sponsor.

**2:26:42 p.m.**

Kathie G. Brooks, Assistant City Manager, introduced the item and stated that there was an addition recommended by the Finance and Citywide Projects Committee that for those employees over the maximum salary, there would be a one-time performance incentive depending on the performance evaluation, and it will have to be earned every year.

Commissioner Weithorn stated that she sponsored this ordinance in its original form, but without that change, she will vote against it.

Commissioner Tobin stated that he feels similarly to Commissioner Weithorn. He added that some employees that will qualify by way of this provision are much overpaid.

Jimmy L. Morales, City Manager, stated that the Administration does not disagree with what Commissioners Tobin and Weithorn stated. He added that this year if people were at the cap they did not receive merit increases, or reduced it as not to go over the cap.

Discussion held.

Vice-Mayor Steinberg stated that these employees have not received an increase in over four years and she felt it was the right thing to do.

Commissioner Malakoff stated that the feeling at the Finance and Citywide Projects Committee was that if these employees performed "above and beyond" they should be recognized and that this is a one-time bonus of up to 2% that is not pensionable.

Sylvia Crespo-Tabak, Human Resources Director, explained the item.

Discussion continued.

**Motion #1:**

**Motion made by Vice-Mayor Steinberg to approve the Ordinance as written; seconded by Commissioner Malakoff; 3-2; Opposed: Commissioners; Tobin and Weithorn; Absent: Commissioners Grieco and Wolfson.**

Mayor Levine stated that if you do not compensate employees you start to lose good employees and he is 100% for it.

Commissioner Weithorn requested to be removed as the sponsor of this ordinance. **Lilia Cardillo to handle.**

**2:41:11 p.m.**

R5X Single Family Parking Space Removal

An Ordinance Amending The City Code, By Amending Chapter 106, "Traffic And Vehicles," Article II, "Metered Parking," Division 1, "Generally," Section 106-55, "Parking Rates, Fees And Penalties," To Modify On-Street Parking Space Removal Requirements For Single Family Uses; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by Vice-Mayor Micky Steinberg)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion made by Vice-Mayor Steinberg to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 4-1; Opposed: Commissioner Tobin; Absent: Commissioners Grieco and Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, introduced the item.

Commissioner Tobin stated that he would prefer going with the legal department's suggestion as to how to solve this problem. He added that by changing the ordinance because of one person putting back the drive way, we can waive the fee through a reading of the present ordinance rather than having a blanket new rule in the City that if you eliminate a parking meter you do not have to pay the fee.

Thomas Mooney, Planning Director, explained that it is not a metered space and he does not know what the City Attorney's Office proposed to address this.

Discussion held.

Jose Smith, City Attorney, stated that there was a meeting about six months ago with the Parking Director and others, where a legal opinion was issued that this could be done without changing the ordinance. It could be done administratively.

Saul Frances, Parking Director, stated that the Code is very specific about the fee being paid and in an abundance of caution; they brought this issue for guidance.

Discussion continued.

Gary Held, First Assistant City Attorney, recommended that we can review this ordinance between first and second reading to determine if the ordinance is required to modify on-street parking space removal requirements for single-family uses or if may be done administratively. **Gary Held and Thomas Mooney to handle.**

**1:51:51 p.m.**

R5Y Alcohol in Movie Theaters

An Ordinance Amending The City Code, By Amending Chapter 6, "Alcoholic Beverages," Article I, "In General," Section 6-4, "Location And Use Restrictions," By Permitting Alcohol Beverages To Be Sold In Motion Picture Theaters, Establishing Criteria, Standards And Procedures For Eligible Theaters And Where Alcohol Can Be Sold And Consumed; And Amending Section 6-5, "Patron Age Restrictions," Exempting Motion Picture Theaters From The Code's Patron Age Restrictions; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: City Attorney's Office)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion made by Commissioner Weithorn to approve the Ordinance with the additional language read into the record; seconded by Commissioner Malakoff; Ballot vote: 5-0; Absent: Commissioners Grieco and Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **City Attorney's Office to handle.**

**ADDITIONAL LANGUAGE:**

1. Add to Section 6-4 (a) (4) v: "Motion picture theaters selling alcoholic beverages shall obtain the requisite state license for sales and consumption of such beverages."
2. Add to section 6-4 (a) (4) vi: "Motion picture theaters selling alcoholic beverages as defined in Section 102-306 shall collect and remit Resort Taxes to the City for alcohol sales as required under Section 102-306."
3. Movie theaters would be allowed to apply for variances from distance separation requirements from religious institutions and schools before alcohol sales would be allowed at theaters in close proximity to such entities, and the ordinance should be amended to reflect this for second reading.

Commissioner Weithorn asked if the updated wording she requested had been distributed.

Jose Smith, City Attorney, stated that it was distributed.

Gary Held, First Assistant City Attorney, read additional language into the record on the Resort Tax issue:

1. Add to Section 6-4 (a) (4) v: Motion picture theaters selling alcoholic beverages shall obtain the requisite state license for sales and consumption of such beverages.
2. Add to section 6-4 (a) (4) vi: Motion picture theaters selling alcoholic beverages as defined in Section 102-306 shall collect and remit Resort Taxes to the City for alcohol sales as required under Section 102-306.

Discussion held.

Vice-Mayor Steinberg asked what other venues would qualify under this ordinance since it is citywide. She has no problem with the Regal Cinema selling alcohol, but she is concerned about who else would qualify under others.

Discussion was had regarding the Roosevelt Theater.

Gary Held, First Assistant City Attorney, explained that what is being proposed for Regal is that there would be a specified area, for the sale of alcohol, with specific areas as to where alcohol may be consumed. In those areas where alcohol is sold and/or consumed, nobody under 21 years of age will be allowed. If the particular theater only has one auditorium, then if they wish to sell alcohol, no one under 21 years of age would be allowed in the theater when alcohol is sold and/or consumed. The required minor control plan to be submitted could be used to regulate hours of alcohol sale and consumption for single auditorium theaters.

Discussion of the policy on variances was held. The consensus of the Commission was that movie theaters would be allowed to apply for variances from distance separation requirements from religious institutions and schools before alcohol sales would be allowed at theaters in close proximity to such entities, and the ordinance should be amended to reflect this for second reading.

Handouts or Reference Materials:

1. Email from Gary Held dated May 2, 2014 to Rafael Granado RE: Alcohol in Movie Theatres.

**11:15:06 a.m.**

**SUPPLEMENTAL MATERIAL 3: Memorandum & Ordinance**

R5Z An Ordinance Amending Chapter 10 Of The Miami Beach City Code, Entitled "Animals," By Creating Section 10-18, To Be Entitled "Requirements For Sales Of Dogs And Cats; Definitions; Permitted Sources; Certificate Of Source; Penalties"; And By Amending Sections 10-2 And 10-3 To Cross-Reference The New Provisions In Section 10-18; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine)  
(Legislative Tracking: City Attorney's Office)  
**(Memorandum & Ordinance)**

**ACTION:** Title of the Ordinance read into the record. **Item heard in conjunction with R5N.** Ordinance approved on first reading. Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Commissioner Wolfson. Second reading and Public Hearing scheduled for May 21, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **City Attorney's Office and Hernan**

**Cardeno to handle.**

## Handouts or Reference Materials:

1. Email from Elizabeth Oreck dated April 21, 2014 to Mayor's Office RE: Miami Beach Pet Sales Ordinance Support Letter with attachments included: 1) Letter dated April 18, 2014 to the City Commission, regarding Consideration of a Pet Sales Ordinance; 2) List of Retail Pet Sales Ordinances Enacted in North America; 3) AKC Breeder Code of Ethics, 4) Executive Summary: Scientific studies of dogs and puppies from commercial dog-breeding establishments (puppy mills); 5) Article published in Scientific Reports titled "Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders," by Franklin D. McMillan, DVM, DACVIM; 6) Article in Press published by Applied Animal Behavior Science titled "Mental health of dogs formerly used as 'breeding stock' in commercial breeding establishments, 7) Responsible vs. Irresponsible.

**R7 - Resolutions****10:31:57 a.m.**

R7A A Resolution Adopting The Second Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2013/14. **10:15 a.m.**  
**Public Hearing**

(Budget & Performance Improvement)

**ACTION:** Public Hearing held. **Resolution No. 2014-28564 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Tobin; Voice vote: 7-0. **John Woodruff to handle.**

John Woodruff, Budget & Performance Improvement Director, introduced the item and explained that there are three main items, two in the general fund; 1) In the Building Department with an increased demand for service, and a target for average plan review time of 12.7 days, which has started to slip as demand increases, also revenue goes with demands. This item adds contractual staff to address that demand, fully offset by additional revenue. In addition, the Building Department will provide e-recording services to customers for permit documents; this is a pass-through and covered by revenue. 2) In the Planning Department they are proposing a new process for electronic recording of development orders to be performed by the Planning Department; this should help expedite service to customers and avoid a trip to the County. This also has offsetting revenues and is a pass-through. 3) Recognize and appropriate additional funds for State Confiscation funds.

## Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 870, published April 10, 2014.

**11:51:38 a.m.**

R7B A Resolution Adopting The Fourth Amendment To The Capital Budget For Fiscal Year (FY) 2013/14. **11:50 p.m. Public Hearing**  
(Budget & Performance Improvement)

**ACTION:** Public Hearing held. Item referred to Neighborhood/Community Affairs Committee (NCAC). Motion made by Commissioner Tobin; seconded by Commissioner Grieco to refer the item to NCAC. **Resolution No. 2014-28565 adopted as amended.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Steinberg to approve the budget with the exception of the allocation of the \$300,000 for the Teen Center; Voice vote: 6-0; Absent: Commissioner Wolfson. **John Woodruff to handle.**

**AMENDMENT**

Motion excluded the \$300,000 allocated to the Teen Center

**REFERRAL:**

To NCAC the issue of looking at alternatives for teen activities in North Beach

John Woodruff, Budget & Performance Improvement Director, explained that this item is comprised of nine items; the first three items come from the North Beach Revitalization initiative, the 71st fountain renovation, North Beach Open Space Park security improvements with implementation of cameras, temporary help to assist with programming events at the Bandshell, and these are funded through quality of life funds. The fourth project is to relocate the Teen Center to the Log Cabin park; there is a desire to try to get this done by the beginning of the summer, and so to fund this project, they are re-appropriating moneys from the Skate Park project beginning in October. South Pointe Park improvement project, currently there is a fencing project that they are trying to broaden the scope to be able to do other improvements at the park, reflecting the input from the Neighborhood/Affair Community Affairs Committee. The sixth item is that there is an HBAC issue at the museum and that project is time sensitive to save the millions of dollars in art that is out there from hot and humid temperatures. In City Hall, they are building a new media pressroom on the first floor as well as initial funding for various office relocations, and this funding is coming from other completed projects. Alton Road utility's 5<sup>th</sup> and Michigan is part of an FDOT project to relocate city owned water infrastructure. This item will be funded from the Collins Avenue utility 5th to 15th project. The ninth and final item is to replace all 29 lifeguard stands on the beach and DRB recently approved upgraded designs, and the desire is to propose to get these in place for the next season.

Commissioner Weithorn is distressed at \$300,000 for the Teen Center at the Log Cabin, because it was her understanding that they were using that on a temporary basis. The City Commission agreed that this was part of the Log Cabin site was part of the west lot Master Planning process. They were going to decide what to do with it. It appears that they are moving in a different direction than what residents have asked for.

Jimmy L. Morales, City Manager, stated that there might have been a misunderstanding. They understood that the Skate Park proposal was deferred, pending the Master Plan, and Administration thought that the direction from the Commission was that this was going to be the new Teen Center location.

Discussion held regarding parks in North Beach.

Commissioner Weithorn suggested activating an area that they already have, make that a more viable Teen Center, and deal with the issues in the neighborhood at hand, and this makes more sense for the Master Plan.

Jimmy L. Morales, City Manager stated that the Teen Center has been running from the Fairway park for a number of years, but the neighbors have been demanding to get their park back. He thinks the same issue would be at any other park. He suggested for the item to go back for discussion at committee.

Discussion continued.

Commissioner Weithorn moved the item with the exception of the Teen Center allocation of \$300,000. Seconded by Vice-Mayor Steinberg.

Commissioner Tobin stated that traditionally they have a gang issue up in the north end and they have some teens that need some things to do. He asked if the Commission would refer to NCAC to discuss this issue. Commissioner Grieco seconded the referral to NCAC.

#### Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 875, published April 10, 2014.

#### 2:47:25 p.m.

R7C A Resolution Approving And Authorizing The City Manager Or His Designee To Submit A Joint Planning Grant Application To The US Department Of Transportation, Transportation Investment Generating Economic Recovery (TIGER) Grant Program, With Miami-Dade County Transit, City Of Miami And Florida Department Of Transportation (FDOT), For The National Environmental Policy Act/Project Development And Environment Study (NEPA/PD&E) Phase Of The Miami-Miami Beach Transit Connection Project In The Approximate Amount Of \$1.5 Million; Appropriating The Grant, Matching Funds And City Expenses If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To The Application And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To This Grant Funding Request.

(Budget & Performance Improvement)

**ACTION: Resolution No. 2014-28566 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Steinberg; Voice vote: 5-0; Absent: Commissioners Grieco and Wolfson. Patricia Walker to appropriate the funds. **John Woodruff and Judy Hoanshelt to handle.**

Kathie G. Brooks, Assistant City Manager, explained that the City has been working with Miami-Dade County, MPO, FDOT and the City of Miami on a Miami/Miami Beach transit productivity study to provide a road map to move this project forward. Among the recommendations to date have been a light rail/streetcar connection; with an exclusive guide way across MacArthur Causeway. The discussions have included a preference to perhaps expediting with development and operations by a private provider. Regardless of how the project is implemented, in order to move to that stage, an environmental impact study will be required. This grant would provide funding for that next stage of this study. The proposed grant is for \$1.5 million from the U.S. Department of Transportation Tiger Grants and matching funds would be provided by FDOT, \$750,000, \$250,000 from Miami-Dade Transit. \$250,000 from the City of Miami and \$250,000



from the City of Miami Beach, and the source of funds from the City of Miami Beach would be the Transportation, Concurrency and Mitigation funds.

Commissioner Weithorn recognized Judy Hoanshelt for doing a great job.

**2:49:44 p.m.**

R7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Guaranteed Maximum Price (GMP) Amendment No. 1, To The Pre-Construction Services Agreement With James B. Pirtle Construction Co., Inc., DBA Pirtle Construction Company, Dated November 16, 2011, For The Construction Of The Property Management Facility Project, In The Amount Of \$4,699,564, Plus A Five Percent Owner's Project Contingency In The Amount Of \$234,978, For A Total Of \$4,934,542; With Previously Appropriated Funding In The Amount Of \$205,859 From Fund 382 - 2003 G.O. Bonds Fire Safety, \$3,124,792 From Fund 383 – 2003 G.O. Bonds Parks And Recreation, \$505,269 From Fund 384 – 2003 G.O. Bonds Neighborhoods, \$600,000 From Fund 304 – Capital Reserve, And \$498,622 From Fund 480 – Parking Operations.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2014-28567 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Steinberg; Voice vote: 4-1; Opposed: Commissioner Tobin; Absent: Commissioners Grieco and Wolfson. **David Martinez to handle.**

David Martinez, CIP Director, explained that this item is to execute Amendment No. 1 to the Guaranteed Maximum Price to the Pirtle construction company, for the construction of the property management facility in Sunset Harbor, in the total amount of \$4,934,500.32 million, which includes a five percent contingency.

Commissioner Tobin explained that this is a 23,000 square foot; two-story property management facility in the Sunset Harbour area, and he does not think it is a good idea; therefore, he is voting nay.

**10:50:25 a.m.**

R7E A Resolution Consenting To The Appointment Of Ariel Sosa As The Director Of The Information Technology Department For The City Of Miami Beach.  
(Human Resources)

**ACTION: Resolution No. 2014-28568 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson. **Sylvia Crespo-Tabak to handle.**

**City Clerk's Note:** One motion was made to approve items R7E, R7F and R7G.

**10:50:25 a.m.**

R7F A Resolution Consenting To The Appointment Of Jose R. Gonzalez As The Director Of The Transportation Department For The City Of Miami Beach.

**ACTION: Resolution No. 2014-28569 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson. **Sylvia Crespo-Tabak to handle.**

**TO DO:**

Provide Commissioner Tobin with a detailed job description for the Transportation Director

Commissioner Tobin requested a detailed job description for this position with benchmarks. He had asked Administration to provide him with details of what the Director does. He added that there are intersections that are in the C's rating, and he thinks it is important that some are almost "failed intersections." He added that it is only fair to the employee to have a detailed understanding of what is expected of him. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, will review and finalize the job description; this position was part of Public Works and now the traffic and concurrency issues are under Jose Gonzalez's responsibility. He will bring back a detailed job description, but the idea is to have one department focus on these critical issues. He is also the liaison with the MPO and has been working with the County on several issues. **Sylvia Crespo-Tabak to handle.**

Sheryl Gold asked for a bike master plan as this has not been addressed; Mr. Gonzalez has been involved in the process and she supports what Commissioner Tobin expressed. She questions his recommendation to appoint him as transportation manager and believes this needs further thought.

Mayor Levine stated that Mr. Gonzalez has a big responsibility; they want safer street, more bikes, pedestrians walking safe, less cars, more public transportation, and he has a big mandate coming to him.

Commissioner Tobin added that he needs also passion for his job.

Jose Gonzalez, Transportation Manager, looks forward to the opportunity of serving the residents and moving the City's transportation agenda forward.

**City Clerk's Note:** One motion was made to approve items R7E, R7F and R7G.

**10:50:25 a.m.**

R7G A Resolution Consenting To The Appointment Of Thomas Mooney As The Director Of The Planning Department For The City Of Miami Beach.  
(Human Resources)

**ACTION: Resolution No. 2014-28570 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson. **Sylvia Crespo-Tabak to handle.**

**City Clerk's Note:** One motion was made to approve items R7E, R7F and R7G.

**10:58:40 a.m.**

R7H A Resolution Ratifying A Three (3) Year Labor Agreement Between The City Of Miami Beach And The American Federation Of State, County And Municipal Employees (AFSCME) Local No. 1554, For The Period Beginning May 1, 2013 Through April 30, 2016; And Authorizing The Mayor And City Clerk To Execute The Agreement.

(Human Resources)

**ACTION: Resolution No. 2014-28571 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Voice vote: 5-0; Absent: Commissioners Grieco and Wolfson. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, explained that this is a three-year agreement, from May 1, 2013 through April 30, 2016. The main negotiation, on the positive side for the City is the reinstatement of the additional two-percent (2%) employee contribution towards the pension plan, as well as the implementation of the minimum requirements of the Federal Labor Standard Act for overtime compensation, which saves the City significant amount of money; those two combined are about \$120,000. Additionally it includes extending the three-year DROP to a five-year DROP, and offsetting that, are expenses related to implementation of a two percent (2%) salary cost-of-living adjustment (COLA) retroactive back to April 1, 2014, as well as a one percent (1%) salary adjustment effective April 1, 2015. The agreement was ratified by the Union on Monday. She added that this is the first bargaining union to implement the recommendations of the Condrey pay classification and compensation plan.

Commissioner Weithorn is proud to move the item and is happy to have the Union. She added that this is fair to the Union employees and the City. She recognized Assistant City Manager Kathie G. Brooks, Human Resources Director Sylvia Crespo-Tabak and the rest of the Human Resources staff for their efforts and hard work.

Commissioner Tobin stated that it was brought to his attention that perhaps Condrey is not as pinpoint accurate as anticipated, and perhaps they can start evaluating staff internally and start looking at these issues and not have to use an outside firm. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, stated that this has been historically done through reclassifications, and they will look at that across the board.

**9:40:13 a.m.**

R7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 95-2013ME, For The Comprehensive Professional Tennis Management And Operations Services At The City's Flamingo And North Shore Park Tennis Centers.

(Parks & Recreation)

**ACTION: Resolution No. 2014-28572 adopted.** Motion made by Commissioner Tobin to accept the City Manager's recommendation; seconded by Commissioner Malakoff; Voice vote: 5-2; Opposed: Vice-Mayor Steinberg and Commissioner Wolfson. **John Rebar to handle.**

Rafael E. Granado, City Clerk, stated, for the record, that there is a response from the City Attorney regarding a protest relating to the Miami Beach Tennis Center contract regarding Greensquare.

Raul Aguila, Chief Deputy City Attorney, advised that they have received a protest letter from Greensquare, Inc., which was responded to on April 27, 2014, and was denied. He is entering their protest and the City's response into the record. He added that in the protest, the City Manager recommended, and they reiterate today, that they should not stay the award of the contract, pending resolution of the protest; it has been denied at the Administrative level, and there is a pending lawsuit between the City and Greensquare, which is being resolved in court and should not affect deliberation today. There is an interest in the City proceeding without delay in making the award of this proposal today.

Jimmy L. Morales, City Manager, explained that with the reinstatement of the previous procurement process, they stand by that process and the recommendation made at that time. They believe the new award will generate better fees and services, and recommends moving forward.

Commissioner Malakoff stated, for the record, that the City Commission received the full report of the last RFP and their results; she was impressed with some of the presentations. She understands how the Tennis Evaluation Committee came to their conclusion and she listened and read it all.

Vice-Mayor Steinberg also stated that she had an opportunity to review the prior material from September, she read the proposals, and feels comfortable voting on the issue.

Handouts or Reference Materials:

1. Letter from Gelber Schachter & Greenberg, dated April 21, 2014, hand delivered to Rafael E. Granado, Esq., City Clerk, RE: Bid Protest – RFP No. 95-2013ME, for the Comprehensive Professional Tennis Management and Operations Services at the City's Flamingo and North Shore Park tennis Centers.
2. Letter from the Office of the City Attorney dated April 22, 2014 to Gerald E. Greenberg, Esq., Gelber Schachter & Greenberg via email to [ggreenberg@gspa.com](mailto:ggreenberg@gspa.com) RE: City Manager's Decision on Green Square Inc.'s April 21, 2014 "Protest Relating to Miami Beach Tennis Center Contract."
3. Letter from the Office of the City Attorney Jose Smith, dated April 22, 2014 to Gerald E. Greenberg, Esq., RE: City Manager's Decision on Green Square, Inc.'s April 21, 2013 "Protest Relating to Miami Beach Tennis Center Contract."

**2:51:06 p.m.**

R7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 2013-317ME, For The Management And Operations Of The Street Markets; Authorizing The Administration To Enter Into Negotiations With The Market Company For The Green Markets At Lincoln Road, Collins Park, Normandy Village Isle, And South Of 5th Locations, And Productions Sud, Inc., For The Lincoln Road Antique And Collectibles Market; And Further Authorizing The City Manager To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution No. 2014-28573 adopted.** Motion made by Commissioner Malakoff; seconded by Mayor Levine; Voice vote: 6-0; Absent: Commissioner Wolfson. **Max Sklar to handle.**

**RECOMMENDATION:**

Award concessions with the full knowledge that if any changes, the City has the right to terminate. Stipulate in the agreement in writing that they go into the agreement recognizing that the City may make significant changes.

Jimmy L. Morales, City Manager, explained that they went out with an RFP for these various markets on Lincoln Road. Two issues he highlighted in the RFP process scoring; in the case of the Antique Market on Lincoln Road, Production Sud was the only bidder; they had audit issues in the past that they had to resolve and he recommended them. There was discussion about whether or not these markets belong on Lincoln Road, and they had feedback from the community. Their recommendation is to have these markets on Lincoln Road as awarded to the companies.

Commissioner Weithorn stated that at this time, with one bidder on the Antique Market and two on the Fresh Market with a recommendation to go back to the existing vendor, she thinks they should wait until the study on Lincoln Road is completed. She wants to continue what they are doing for a year or two with the existing vendors, bring it back to Commission, and see if they want to change it. She is not inclined to award something for a long period of time when they have not decided what they are doing on Lincoln Road.

Discussion held regarding termination for convenience.

Commissioner Malakoff stated that one of the things that the North Beach Revitalization Committee and residents group talked about was about more activities in North Beach. She asked if it is possible for the Antique and Collectible Market to go to North Beach one day of the month.

Max Sklar, Tourism, and Economic Development Director, explained that this could be looked into.

Discussion continued regarding Lincoln Road property owners, who prefer not having the market on the Road.

Tony Angione, Lincoln Road market promoter, stated that the problem with North Beach is that it is mostly residential and it would be difficult for them. On Lincoln Road, most of the shows are off Lincoln Road, on Michigan and Jefferson Avenues. Discussion continued.

Nancy Liebman spoke.

Commissioner Weithorn, for the record, is not suggesting to get rid of the markets, but that they do not enter into an agreement until they decide if they want to make any changes. Discussion continued.

Max Sklar, Tourism, and Economic Development Director, added that if they go with Commissioner Weithorn's recommendation, there is also a proposal by the Market Company to create a market on Collins Park and South of Fifth Street, and he asked for direction.

Jimmy L. Morales, City Manager, recommended awarding the concessions with the full knowledge that if at any point things change, the City has the right to terminate.

Commissioner Weithorn wants to stipulate in the agreement that they go into this recognizing that the City may make significant changes.

Motion made by Commissioner Malakoff; seconded by Mayor Levine to ward concessions with the full knowledge that if any changes, the City has the right to terminate and stipulate in the agreement in writing that they go into the agreement recognizing that the City may make significant changes; Voice-vote: 6-0; Absent: Commissioner Wolfson.

**2:00:38 p.m.**

R7K Appointment Of Chief Special Master

1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Appointment Of Enrique Zamora, Esq., To Serve As Chief Special Master, For A Term Commencing On April 24, 2014, And Ending On October 23, 2014; Provided Further That Chief Special Master Zamora Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

**ACTION: Resolution No. 2014-28574 adopted.** Heard in conjunction with R7K2. Motion made by Commissioner Tobin; seconded by Commissioner Malakoff; Voice vote: 5-0; Absent: Commissioners Grieco and Wolfson. **Rafael E. Granado to handle.**

2. A Resolution Approving And Appointing, Pursuant To Section 102-356 Of The City Code, Enrique Zamora, Esq. (Chief Special Master Appointed Pursuant To Resolution No. 2014-28574 As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Mr. Zamora's Term As Chief Special Master On April 24, 2014, And Ending On October 23, 2014.

(City Clerk's Office)  
(Deferred from April 9, 2014)

**ACTION: Resolution No. 2014-28575 adopted.** Item heard in conjunction with R7K1. Motion made by Commissioner Tobin; seconded by Commissioner Malakoff; Voice vote: 5-0; Absent: Commissioners Grieco and Wolfson. **Rafael E. Granado to handle.**

**3:29:55 p.m.**

- R7L A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Authorizing The Administration To Prepare Revisions To The City's Procurement Code Following The Review Completed By The National Institute For Governmental Procurement (NIGP).

(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Procurement)

**ACTION: Resolution No. 2014-28576 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson. **Alex Denis to handle.**

Commissioner Weithorn introduced the item and stated that this codifies procedures that the new Procurement Director brought. This is technical clean up.

Alex Denis, Procurement Director, explained that this also included a review by the National Institute of Governmental Procurement to make sure that the City's policies and Codes are compliant with State statutes and benchmarks across the country.

Eric Zichella, representing some City vendors, spoke on piggyback contracts. Discussion held.

Commissioner Tobin suggested using other procurement methods to obtain more than one bidder and to simplify the process for small businesses. Discussion continued.

Jimmy L. Morales, City Manager, explained that they are doing outreach to let prospective bidders know that Miami Beach is open for business and encourage competition.

Discussion held regarding advertisement/notification systems used by Procurement.

Commissioner Weithorn requested addressing piggybacking.

Alex Denis, Procurement Director, explained that one of the recommendations made was to remove the restrictions on the cooperative purchases.

Commissioner Weithorn moved the item.

**11:58:37 a.m.**

**SUPPLEMENTAL MATERIAL 4: Memorandum**

R7M A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Construction Contract Between The City Of Miami Beach, Florida, And Lanzo Construction Co., Florida, For The Construction Of The City Of Miami Beach Right-Of-Way Infrastructure Improvement Program, Neighborhood No. 8 Central Bayshore (Package A) And Lake Pancoast (Package C) (Project), Dated April 8, 2011 (The Contract); The Amendment Includes: 1) The Credit Amount Of \$3,222,433 For The Extraction Of A Portion Of The Project Referred To As Phase II Construction Activities, To Incorporate A New Design That Will Meet The New Stormwater Criteria; 2) Additional Funds In The Not-To-Exceed Amount Of \$884,100 Plus A Compensable Time Extension Of Sixty-Seven (67) Calendar Days Required To Complete The Remaining Scope Of The Project Including The Redesigned Flamingo Drive Stormwater Drainage; And 3) Increasing The Owner's Contingency In The Amount Of \$363,000; The Resulting Net Credit In The Amount Of \$1,975,333 Will Be Deducted From The Construction Contract. **11:55 a.m. Public Hearing**  
(Capital Improvement Projects)

**ACTION: Resolution No. 2014-28577 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson. **David Martinez to handle.**

Commissioner Weithorn thanked David Martinez for stepping up to the plate during his own personal tragedy, and she recognized that.

David Martinez, CIP Director, introduced the item and gave a brief synopsis of the item. This memorandum extracts funds and scope for the south phase of the project being done as a design built to incorporate the stormwater criteria; it also establishes a firm September 5 completion date that the contractor must meet; otherwise, there will be liquidated damages up to \$1,400 per day. It also addresses delays in excess of \$3 million. They are also requesting more contingency spent on cleaning up this project.

**3:35:58 p.m.**

R7N A Resolution Urging The Florida Legislature And The Board Of County Commissioners For Miami-Dade County To Increase Their Parking Violation Fines To A Minimum Of \$50.00 To Reflect Penalties That Are Fiscally Appropriate And Reflective Of The Gravity Of Illegal Parking Offenses, And Also Urging The Miami-Dade County League Of Cities, As Well As Municipalities And Agencies In Miami-Dade County, To Support An Increase In State And County Fines For Parking Violations.

(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: City Attorney's Office)

**ACTION: Resolution No. 2014-28578 adopted as written.** Motion made by Commissioner Grieco; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson. **City Attorney's Office to handle.**

Commissioner Grieco introduced the item.

Saul Frances, Parking Director, stated that parking fines schedules are dictated by Miami-Dade County and Florida Statutes. Currently fines range between \$18 for overtime parking and up to \$34 for prohibited parking. A higher fine schedule would be appropriate and they want to urge the



Florida League of Cities and the County to pursue that. He added that the Miami Parking Authority and the City of Coral Gables are supportive of this initiative.

**3:44:25 p.m.**

R70 A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 2013-454-SR For Construction Manager At Risk Services For The Construction Of Collins Park Place; And Further Authorizing The Mayor And City Clerk To Execute An Agreement For Pre-Construction Services Upon Completion Of Successful Negotiations.  
(Capital Improvement Projects/Procurement)

**ACTION: Resolution No. 2014-28579 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice vote: 5-1; Opposed: Commissioner Tobin; Absent: Commissioner Wolfson. **David Martinez to handle.**

David Martinez, CIP Director, introduced the item.

Commissioner Tobin has always questioned the cost of this garage. He added that the way this process was done sets the City up for problem by hiring the contractor first and then the City finds out the cost. This is not a prudent way of going about building anything.

Jimmy L. Morales, City Manager, explained what staff recommended in the RFQ was a Construction Manager At Risk approach. The project was designed by Zaha Hadid, it is at 60% drawings now, and the construction manager takes the designs and through their process puts them out to bid and come back with a guarantee maximum price (GMP). This Commission has the right to approve or reject the GMP.

Commissioner Tobin added that the Administration could add in the contract that the City Commission gets involved as far as the cost of things. It is a bad idea to hire the contractor first and then tell them how much it will cost. He thinks this deal can be negotiated or modified and there are many ways of protecting the City. Currently the City is not being protected.

Discussion continued regarding projects done with a Construction Manager At Risk.

Jimmy L. Morales, City Manager, added that they will be very hands on working with the Construction At Risk regarding the price; ultimately, once the process comes back with GMP, the risk is on him if the price is higher than what expected.

Commissioner Tobin stated that government has limited money, and he is suggesting that they can do a Construction Manager At Risk, and put into the contract that Administration is allowed to look at the bids and that they will not pay more than 25% above cost. This is a way of protecting the City.

City Manager Morales stated that they can add provisions and can reject the GMP. Discussion continued. He added that Mr. Aguila and he would work together on this agreement to make sure they built in all the subcontracts bids to participate in the process, to give the right to walk away. He has no problem bringing the agreement back for approval.

Commissioner Tobin wants Administration to handle this; he does not want to review the contracts or tell him how to build things; if he wants to get a committee of builders call Marti Margolis or anyone else in the Convention Center Advisory. **City Manager's Office to handle.**

Mr. Morales will reach out to folks and do what they can to make sure they get a state-of-the-art Construction Manager At Risk agreement to give the City protection.

Commissioner Malakoff added that the Collins Park Garage would be one of the first major buildings in the City that will meet flood criteria as part of the bid.

**3:46:41 p.m.**

**SUPPLEMENTAL MATERIAL 3: Resolution**

**SUPPLEMENTAL MATERIAL 4: Redline Version & Final Revised Resolution**

R7P A Resolution Accepting The Recommendations Of The Mayor's Blue Ribbon Panel On Flooding And The Flooding Mitigation Committee, And Directing The City Administration To Begin To Design And Implement A Project To Upgrade The City's Storm Drainage System To Meet The New Design Criteria, Adopted By The City Commission In Resolution No. 2014-28499, With A Potential Estimated Cost Of Approximately \$200 To \$300 Million For The Project, And A Target Completion Timeframe Of 3 To 5 Years, And With Low Lying Areas To Receive First Priority Until All Areas Are Complete.

(Requested by Mayor Philip Levine)

(Legislative Tracking: City Attorney's Office)

**ACTION: Resolution No. 2014-28580 adopted with the revised language.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson. **Eric Carpenter to handle.**

**REVISED LANGUAGE**

A Project To Upgrade The City's Storm Drainage System To Meet The New Design Criteria, Adopted By The City Commission In Resolution No. 2014-28499, With A Budgeted Potential Estimated Cost Of Approximately \$200 To \$300 Million For The Project, And A Target Completion Timeframe Of 3 To 5 Years...

## **R9 - New Business and Commission Requests**

### R9A Board And Committee Appointments. (City Clerk's Office)

**ACTION:** The following changes and appointments were made:

#### **BLUE RIBBON PANEL ON FLOODING MITIGATION:**

Scott Robin	Effective 01/06/2014
Dr. Dwight Kraai	Effective 01/06/2014
Dr. Michael Phang	Effective 01/06/2014

#### **BLUE RIBBON PANEL ON NORTH BEACH:**

Rick Arriola	Effective 03/03/2014
Margueritte Ramos	Effective 03/03/2014
Daniel Veitia	Effective 03/03/2014

#### **AD HOC CHARTER REVIEW COMMITTEE:**

Richard Preira	Resigned March 10, 2014
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#### **AD HOC COMMITTEE CENTENNIAL CELEBRATION:**

Ray Breslin	Term ending 07/31/2015	Appointed by Commissioner Grieco
Trudi Cejas	Term ending 07/31/2015	Appointed by Commissioner Wolfson
Sheila Duffy-Lehrman	Term ending 07/31/2015	Appointed by Commissioner Tobin
Nicole Eldridge	Term ending 07/31/2015	Appointed by Commissioner Steinberg

#### **COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH:**

Michelle D. Thomas	Term ending 12/31/2014	Appointed by Commissioner Grieco TL 12/31/21
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#### **COMMITTEE ON THE HOMELESS:**

Jonathan Kroner	Term ending 12/31/2015	Appointed by Commissioner Grieco TL 12/31/17
Debra Schwartz	Term ending 12/31/2015	Appointed by Mayor Levine TL 12/31/21

#### **CONVENTION CENTER ADVISORY BOARD:**

Jared Galbut	Term ending 12/31/2015	Appointed by Commissioner Weithorn TL 12/31/21
Michael Goldberg	Term ending 12/31/2014	Appointed by Commissioner Grieco TL 12/31/21
Joshua Levy	Ex-officio, Chair of the Bd. Of Dir. of the MBCC.	

#### **DESIGN REVIEW BOARD:**

Vincent A. Filigenzi	Landscape Architect Term ending 12/31/2015	City Commission Appointment TL 12/31/19
Elizabeth G. Camargo	Registered Architect Term ending 12/31/2015	City Commission Appointment TL 12/31/19

#### **DISABILITY ACCESS COMMITTEE:**

Michael Alessandri	Resigned 03/06/2014
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#### **FINE ARTS BOARD:**

Carrie Wiesenfeld	Term ending 12/31/2014	Appointed by Commissioner Steinberg TL 12/31/15
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#### **GAY, LESBIAN, BISEXUAL AND TRANSGENDER (GLBT):**

Mark J. Wylie	Term ending 12/31/2015	Appointed by Mayor Levine TL 12/31/21
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#### **HEALTH ADVISORY COMMITTEE:**

Dr. David A. Farcy	Private individual	Term ending 12/31/2015	City Commission Appointment TL 12/31/19
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#### **HEALTH FACILITIES AUTHORITY BOARD:**

Sidney Goldin	General Business	Term ending 06/19/2018	City Commission Appointment
Robert D. Hertzberg	Attorney	Term ending 06/19/2017	City Commission Appointment

**HISPANIC AFFAIRS COMMITTEE:**

Eneida Mena	Term ending 12/31/14	Appointed by Mayor Levine	TL 12/31/21
David Cardenas	Term ending 12/31/14	Appointed by Commissioner Steinberg	TL 12/31/21

**HISTORIC PRESERVATION BOARD:**

John A. Stuart	Registered Architect	Term ending 12/31/15	City Commission Appointment TL 12/31/19
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**MIAMI BEACH COMMISSION FOR WOMEN:**

Regina Berman	Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/17
Laurie Kaye Davis	Term ending 12/31/2014	Appointed by Commissioner Wolfson	TL 12/31/21
Michelle Ricci	Resigned		
Dona Zemo	Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/21

**MIAMI BEACH SISTER CITIES:**

Samantha Bratter, Other	Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/21
Harvey Burnstein, Other	Term ending 12/31/2015	Appointed by Mayor Levine	TL 12/31/21
Lisa A. Desmond, Pescara, Italy	Term ending 12/31/2015	Appointed by Mayor Levine	TL 12/31/21
Joyce Garret, Other	Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/21
Kristen Rosen Gonzalez, Other	Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/21
Nuccio Noble Cozumel, Mexico	Other Term ending 12/31/2015	Appointed by Mayor Levine	TL 12/31/16
Michelle Ricci, Other	Term ending 12/31/2015	Appointed by Mayor Levine	TL 12/31/21
Deborah Robins	Other Term ending 12/31/2014	Appointed by Mayor Levine	TL 12/31/21

**PARKS AND RECREATIONAL FACILITIES BOARD:**

M. Ronald Krongold	Golf	Term ending 12/31/14	City Commission Appointment TL 12/31/19
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**POLICE CITIZENS RELATIONS COMMITTEE:**

Walter Lucero	Term ending 12/31/2015	Appointed by Commissioner Weithorn	TL12/31/19
Daniel Aronson	Term ending 12/31/2014	Appointed by Commissioner Steinberg	TL12/31/21
Jared Plitt	Term ending 12/31/2015	Appointed by Commissioner Weithorn	TL12/31/15

**SUSTAINABILITY COMMITTEE:**

Commissioner Grieco	Term ending 12/31/2015	Appointed by Mayor Levine
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**3:17:01 p.m.**

R9A1 Board And Committee Appointments - City Commission Appointments.  
(City Clerk's Office)

**DESIGN REVIEW BOARD:****ACTION:**

- 1. Vincent A. Filigenzi** – Appointed to the Design Review Board, Landscape Architect Position.
- 2. Elizabeth G. Camargo** – Appointed to the Design Review Board, Architect Position.

The City Clerk stated that the first nominations are for the Design Review Board, which has two vacancies. There is one nomination for each of the vacancies, so one candidate per category.

There is one candidate for the Landscape Architect position, Vincent A. Filigenzi. Mr. Filigenzi was nominated by Mayor Levine.

Commissioner Weithorn suggested since they only have one nomination for the Landscape Architect position, to approve the vote by acclamation; thereafter she proceeded to move Mr. Filigenzi's nomination. Approved by acclamation; Commissioner Wolfson is absent.

The City Clerk announced that the second nomination for the Design Review Board is F. Michael Steffens, who was nominated for appointment in the Architect Position by Mayor Philip Levine.

Commissioner Malakoff requested to appoint Mr. Steffens to the Design Review Board, Architect Position by acclamation; seconded by Commissioner Grieco.

Commissioners Tobin and Weithorn stated that they would be voting against Mr. Steffens.

As Mr. Steffens's appointment could no longer occur by acclamation, the City Clerk asked that the motion and second be reaffirmed.

Commissioner Weithorn stated that for Historic Preservation Board, there are two architects interested, Elizabeth Camargo and John Stuart. The City Clerk informed the Commission that Ms. Camargo had withdrawn her nomination.

Commissioner Malakoff stated that Elizabeth Camargo is interested in serving in the architect position in the Design Review Board.

Commissioner Weithorn explained that Ms. Camargo concluded her sixth consecutive year on the Capital Improvements Project Oversight Committee on December 31, 2013, and is term limited until December 31, 2015 from serving as an at-large appointee. However, the term limit provision may be waived if the City Commission determines that the Design Review Board requires the membership of a registered architect.

Commissioner Weithorn stated that she is more comfortable with Ms. Camargo, as she has proven herself.

Commissioner Tobin explained that he has nothing against Mr. Steffens; he just knew that Ms. Camargo wanted to be on one of these boards, and she has done a good job.

Motion made by Commissioner Malakoff for Elizabeth Camargo to serve on the Design Review Board in the Architect Position and waiving the term limit provision; seconded by Commissioner Weithorn. Both Commissioner Malakoff and Vice-Mayor Steinberg pointed out that Ms. Camargo included the Design Review Board as one of her choices in the Board Application. Ms. Camargo's appointment was done by acclamation. (Commissioner Wolfson is absent.)

#### **HISTORIC PRESERVATION BOARD:**

##### **ACTION:**

**John A. Stuart** – Appointed to the Historic Preservation Board, Architect Position.

Vice Mayor Steinberg and Commissioner Weithorn suggested appointing Mr. Stuart to the Historic Preservation Board by acclamation. Approved by acclamation; Commissioner Wolfson is absent.

Vice Mayor Steinberg added that Mr. Stuart is a great candidate.

#### **HEALTH ADVISORY COMMITTEE:**

##### **ACTION:**

**Dr. David A. Farcy** – Appointed to the Health Advisory Committee.

The City Clerk announced that Commissioner Michael C. Grieco nominated Dr. David A. Farcy for appointment to the Health Advisory Committee, Private Individual Position. Mr. Farcy's appointment was approved by acclamation; Commissioner Wolfson absent.

### **HEALTH FACILITIES AUTHORITY BOARD**

#### **ACTION:**

- 1. Robert D. Hertzberg** – Appointed to the Health Facilities Authority Board, General Attorney Position.
- 2. Sidney Goldin** – Reappointed to the Health Facilities Authority Board, General Business Position.

The City Clerk announced that Robert D. Hertzberg was nominated to the Health Facilities Authority Board for appointment, Attorney Position, by Mayor Philip Levine. Mr. Hertzberg's appointment was approved by acclamation; Commissioner Wolfson is absent.

The City Clerk announced that Sidney Goldin was nominated for reappointment to the Health Facilities Authority Board, General Business Position by Vice-Mayor Micky Steinberg. Mr. Goldin's appointment was approved by acclamation; Commissioner Wolfson is absent.

### **PARKS AND RECREATIONAL FACILITIES BOARD:**

#### **Golf Position**

#### **ACTION:**

**M. Ronald Krongold** – Appointed to the Parks and Recreational Facilities Board, Golf Position, effective May 31, 2013.

The City Clerk announced that for the Golf position, there are two nominations and one vacancy. The nominees are: Joseph D. Conway, nominated for appointment to the Golf Position by Commissioner Michael Grieco; and Mr. Ronald Krongold, nominated for appointment to the Golf Position by Vice-Mayor Micky Steinberg.

The City Clerk announced the results of written votes:

Commissioner Grieco – Mr. Conway  
Commissioner Malakoff – Mr. Krongold  
Commissioner Tobin – Mr. Krongold  
Commissioner Weithorn – Mr. Krongold  
Vice-Mayor Steinberg – Mr. Krongold  
Mayor Levine – Mr. Conway

Totals:

Mr. Krongold four (4) votes. Mr. Conway two (2) votes.

The City Clerk announced that Mr. Krongold was appointed to the Parks and Recreational Facilities Board, to the Golf Position, effective May 21, 2013.

**TENNIS POSITION****ACTION:**

Postpone the appointment of the Tennis Position to May 21, 2014.

The City Clerk announced that Chris P. Growald was nominated for appointment, to the Tennis Position, by Commissioner Jonah Wolfson.

Commissioners Weithorn and Grieco stated that they did not know Mr. Growald. Commissioner Grieco added that without Commissioner Wolfson present, they rather wait on this appointment.

Commissioner Tobin stated that he is willing to wait, but pointed out that Mr. Growald is the individual that was active in the tennis debate.

Commissioner Grieco suggested moving the appointment to April 30. Commissioner Weithorn stated that the Parks and Recreational Facilities Board could meet without this appointment, and requested that this appointment be considered at the next regularly scheduled Commission meeting on May 21, 2014. There was unanimous agreement to postpone the appointment of the Tennis Position to May 21, 2014.

Handouts or Reference Materials:

1. Ballot Votes

**8:35:10 a.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)

**ACTION:** The following individuals spoke:

1. David New, Chair of the Disability Access Committee (DAC), stated that he is speaking for many people with disabilities throughout the country, and he feels he has a strong responsibility to represent them in a fair way, as well as the many people that live in Miami Beach. He wants to bring to the City Commission's attention an issue that the Disability Access Committee has been discussing for a long time, and that is the audible pedestrian signal program, which began in 2009. He introduced his colleague and one of the newest members of the DAC, Oliver Stern.
2. Oliver Stern, a 13-year-old resident nominated to the DAC by Commissioner Michael Grieco, explained that out of 60 audible pedestrian signals, and out of 24 that were checked by Committee members, 22 were not properly working. He asked that this be addressed immediately by the proper departments, and investigate the possibility of installing audible pedestrian signals at every major intersection in the City to make Miami Beach the world's most accessible City.

Jimmy L. Morales, City Manager, stated that crosswalk signals are the County's jurisdiction, but he will follow up on this and will work with Public Works Department and the County to address the issue. **Jose Gonzalez to handle.**

David New, Chair of the Disability Access Committee, added that the first intersections with audible pedestrians signals were installed in 2009, and not a single intersection has been installed since then; but the disrepair of the signals have gone unattended despite their efforts.

Staff from the City's Transportation Department has attended the DAC's meetings to update on the progress of this issue; they are starting a program to quarterly check on the signals, and so far, out of the 24 they checked, 22 are not working adequately. The City funded the signals and the County maintains them; the County is simply not maintaining the signals adequately or timely.

Vice-Mayor Steinberg suggested bringing an updated status at next month's Commission Meeting.

Jimmy L. Morales, City Manager, will bring an update at the April 30, 2014 Commission Meeting. **Eric Carpenter to handle.**

3. Judith Faulkner stated that she is in need of a bus; she is not feeling well and cannot shop at Publix without the bus.
4. Barbara Cohen, Belle Isle resident, was at the Venetian Isle meeting and there is nothing but praise for Mayor Levine, people want to work with him and he is the North Star, people look up to him for help, guidance and a little push and solutions regarding a bus. Mr. Jose Gonzalez, Transportation Director, sent a 500 signed petition to Miami-Dade County and the County will start the "A" route bus going around to Publix and coming back, but still stopping service at 6 pm, which means that they have no way of getting out of the island after 6 o'clock, or between 10 and 2 pm, so it is a nice "patch" but an insufficient "patch."

Vice-Mayor Steinberg stated that she would include this as a discussion item on the agenda.

5. Gary Rutt, Belle Isle resident, supported Ms. Cohen's statement. He is here to support the idea that the buses be continued in Belle Isle, as it is necessary to travel around. His concern is the lack of acknowledgement of receipt of his emails. He hears rumors that the West drawbridge (on the Venetian Causeway) is going to be potentially close for a year, but he knows the Belle Isle Residents Association has sent the City a resolution stating that this is vital to the community, and Mayor Levine ran on the promises of opportunities for transportation and he hopes they do not lose any. The shuttle is vital to their community. He thanked the City Commission.
6. Alex Heckler is speaking as a parent and as a registered lobbyist on behalf of the Cuban Hebrew School. The school and the synagogue withdrew the zoning application and tried to work within the existing Temple facilities to expand the school to allow siblings to attend the same facility. He has two children at the school but there are several parents that have one child attend another location, and they are working with the community to accomplish that within the current footprint. During this process, some of the actions by activists and residents is not good citizenship or being good neighbor; videotaping their children going to school, having video cameras looking inside cars, etc. The synagogue has decided to work together within the existing footprint and not upset neighbors, but there is a level of respect they should have had for the neighbors and students.
7. Jonathan Welch, Marketing and PR with CARE Resource, announced that in May 2014, Care Resource and the City are teaming up with numerous community partners to organize a large-scale health initiative to increase voluntary HIV testing, so that every resident has the opportunity to learn their status and obtain access to education, quality care and prevention. There will be four public health events: AIDS Walk on April 27 at the Miami Beach Convention Center from 8 am to noon; with Mayor Levine joining the walk this year as Master of



Ceremonies; the Grand Marshall is Alexia Echevarria, from the Bravo television show "Real Housewives of Miami." There will be other health events from 10 am to 4 pm as follows: May 10 at Lummus Park, May 18 at North Shore Open Space Park and May 28 at Miami Beach City Hall. Attending on the 28<sup>th</sup> at City Hall is Dr. Robert Gallo, the eminent scientist who co-discovered the HIV virus in 1984. Vice-Mayor Steinberg will recognize him on that date with an award. These events offer an opportunity for the Miami Beach community to unite, become more educated, better guard their health and minimize the impact of living with the virus. He was saddened to hear that Honorable Robert Grey passed away; as he was the architect of this initiative; he hopes the success of this event is a testament to his legacy.

8. Lisa Almie, resident of La Gorce Drive, stated that their neighborhood association asked her to bring to their attention the issue of street/speed bumps. The street/speed bumps have begun to break, many of them were removed; and the speed of the traveling vehicles has increased again; her pet was run over and killed so she wanted to bring this to the Commission's attention. She asked that the street/speed bumps be replaced, since even with police presence the cars still speed through the neighborhood.

Jimmy L. Morales, City Manager, stated that the City increased traffic enforcement by the Police, while trying to figure out what the issue is.

Commissioner Malakoff stated that at other parts of the City they install something more like a hill than a rubber bump.

Eric Carpenter, Public Works Director, stated that they are looking at options, and he met with the neighborhood association and shared the options. He apologized because they are running a little behind as they are waiting for the epoxy from the manufacturer. As soon as the material is received, they will put back four speed bumps, two with the epoxy; they might do some re-paving and will contact the County, as this is their road. Discussion held.

9. Sara Wright stated that her husband and her bought a 1930s house on Espanola Way and did so with the hopes of restoring it to its original use. The previous owner had legally converted the garage into an apartment in the 1970s. They restored the garage and were approved by Planning, Zoning, HPB, Parking and Public Works. However, after approval they discovered that they would be required to pay \$35,000, according to City Code Section 106.55, since one on-street parking would be eliminated in order to access the driveway. They were told that this Section of the Code was created in response to commercial entities attempting to remove street parking in order to allow for commercial purposes such as outdoor seating. She requested amending this section to allow waiver for single-family homes.

Vice-Mayor Steinberg stated such an ordinance is on the Agenda on first reading after referral to Land Use and Development Committee.

10. Tammy Tibbles stated that currently FDOT has a mandate by the City Commission of Miami Beach to put in a median, voted at the July Commission Meeting. If this Commission makes a mistake and allows the median not to go in, the roadway will be wider and will become a highway. This Commission will blow it; she urged them "don't blow it." She added that there are thousands of cars that go through Alton Road and thousands of people living within walking distance. The National Highway Safety Administration suggested medians because they reduce pedestrian incidents between 30% and 70%. One hundred people have had incidents and three residents have died from those accidents. Additionally, studies reveal that businesses actually make between 3 and 100% more money after a median goes in.

Additionally, property values go up in an average of 7.7% after a median is installed. Alton Road should keep the medians and allow the Road to achieve its potential and become a thriving commercial corridor.

Commissioner Tobin recognized Tammy Tibbles for being a great community asset.

In response to Commissioner Tobin's questions, Tammy Tibbles explained that the initial proposal from FDOT was to have 17 foot wide medians, but when they actually design came through they were about 5 feet, but design can be fixed as they have done in the past.

**1:05:20 p.m.**

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

**ACTION:** The following individuals spoke:

1. Daniel Ciraldo spoke about the Venetian Causeway and the potential risks of the construction trucks that violate the maximum weight limits. He stated that a dump truck can be 27 tons and the limit is about 15 tons. The bridge coming down will affect our lives. He suggested the City look at how to raise structure and to mitigate some of the negative consequences. He added that hopefully we will not have any more bridges crumbling due to the over development.

Mayor Levine asked Mr. Ciraldo how to get the materials to the beach for the rebuilding of the big mansions.

Daniel Ciraldo stated that maybe by boat and another idea is to limit the size of the homes being built, this will diminish the homes being demolished.

2. Former Commissioner Nancy Liebman stated that there are three issues on the agenda for which there are speakers 1) a 5:05 p.m. time certain (See item R5J - Alton Road Historic District Buffer Overlay , 2) the issue about the median, and 3) the issue of the "form based code."

Mayor Levine stated that the issue of the median would be discussed quickly.

3. Iris Casanova, Florida Fresh Market, currently manages, operates, and develops several markets in Miami-Dade and Broward Counties. At the persistence of the local market vendors and her own desire to make a difference, she thought it was important to come today. She understands a recommendation has been made for the current management company to manage the Lincoln Road Market. She asked for careful consideration and although they do not have the experience on the Lincoln Market, they have an excellent record, impeccable reputation with working with organizations such as Whole Foods Market, etc. She feels they can bring much to the market and make it a world-class market. She submitted a bid, but she is not the bidder being recommended.
4. Jennifer Dixon stated that her husband and her rented an apartment on 69<sup>th</sup> and Collins in North Beach and this will be their home for a couple of years. At the time, all the residents were nonsmokers and now everybody is a smoker. First, they asked the neighbors to be considerate because the jalousie windows let the smoke in. Then he asked the manager of the company. Then they called Code Enforcement who claimed cigarette smoke is beyond their control. Then they called the police, who were always professional, but said cigarette

smoke does not break any laws. Then they called the State Board of Health, who has no more power other than to make recommendations. They struggle to stay well with the smoke in every breath they take. After they hand delivered a second letter to the owners of the complex, no smoking signs were posted, and the promise of cameras. This produced no result. Laws and ordinances are needed to protect everyone in apartment dwellings from cigarette smoke in North Beach. People are protected in the work place but not in their own homes. They desperately need help.

Jose Smith, City Attorney, stated that the State has an anti-smoking law that prohibits smoking in most areas indoors, and as far as enforcing that it is a Police Department issue. He can research it. The City is pre-empted by State law from enacting any regulations involving smoking. **Jose Smith gave Ms. Dixon his card and will talk to her tomorrow to follow up on this issue.**

- 5 Stanley K. Shapiro stated that yesterday the City of Miami Beach had US Senator Nelson here and the Mayor was on that panel. Commissioners Steinberg, Malakoff were there to show the courtesy and the backing of the Mayor. The professionalism shown by Mr. Morales, Kathie Brooks, Mark Causey and Joe Jimenez should be recorded and publicly acclaimed. We are very happy with the new secretary in the Mayor's Office and we all enjoy going to that office. He added that the most prominent employee from Miami-Dade County was here this morning to support the nomination of Jose Gonzalez to the Transportation Department. He added that since the new Mayor, the meetings start on time, awards and presentations have been reduced, but he had a criticism of him. When you award the key to the City, the Mayor should be present.

Mayor Levine stated that there are special situations when he cannot be present.

Stanley K. Shapiro stated that they all have been doing a great job. He asked Mr. Morales if he has an agenda package before the meeting. Mr. Morales stated yes and that he does briefings with them, but they always have the right to ask questions at the meeting.

- 6 Alberto Machado stated that he is proud and happy, and thanked the Mayor for taking care of his problem. He has suggestions that the County bus drivers need to be nice and provide good service to the tourists. He added that the busses on Saturday and Sunday all say "garage" and are not in service. Sometimes he has to spend two hours waiting for a bus. The maintenance of the buses is horrible because the front and side windows are dirty and prevent people from enjoying the beautiful view of the homes. Next time he will bring a paper with suggestions.
- 7 Dave Doeblar spoke on the issue of clean up of the water and brought trash that he picked up from the waters. He is here in support of a ban of polystyrene known as Styrofoam.

Mayor Levine asked what other cities are doing.

Dave Doeblar explained that polystyrene floats in the water for decades and then breaks up into little pieces. He added that it is critical to use biodegradable containers

Raul Aguila, Chief Deputy City Attorney, explained that there might be a State preemption issue on banning Styrofoam items. The State has jurisdiction regulating these types of containers. The City has banned the use of Styrofoam on the beach. They are researching if they can do an outright ban but have a State issue to overcome.

Mayor Levine stated that we should make it a bigger issue and let the State sue us. **City Attorney's Office to handle.**

Commissioner Tobin stated that some cities clean their canals, but the City of Miami Beach does not, and suggested looking into funding for it. **City Manager's Office to handle.**

- 8 Mark Zimmerman, volunteer representing the Alton Road Business Association, stated that the Alton Road Project has been a tough one for the community and the businesses. He added that they are very appreciative of this Commission and the City Manager for the support they have given with the fast tracking of the project, and the trolley has made a difference, and he is here today to say "thank you." He added that one issue that needs to be addressed is parking and transportation. This is a tremendous concern for business owners. He added that in the short term extending the trolley and discounted parking would make a big difference.

Mark Zimmerman asked if there is space to add to parking for another parking lot on Alton or closed by; they welcome the chance to meet with staff and will accept any advice.

9. Michael De Felippe thanked Commissioner Grieco for being the environmental voice and added he is here in support of the ordinance on banning Styrofoam.

**4:00:21 p.m.**

R9C Update On The Miami Beach Convention Center Project.  
(City Manager's Office)

**ACTION:** Update given.

Jimmy L. Morales, City Manager, explained that they are finalizing the contract with Fentress and have targeted that for April 29. Fentress has been working nonstop and meeting with staff. He announced a **Special Finance and Citywide Projects to be held April 30, 2014 at 10 a.m., in the Commission Chambers.** This meeting hopefully will be all hands on the construction and show schedules at the Convention Center. He is scheduling briefings with the City Commission prior to that. The other issue is the new flooding guidelines, how to apply them to the Convention Center, as raising the floor one to two feet is a huge cost and delay, and they are exploring different approaches.

Mayor Levine added that there are other alternatives to fortify the floors and he thinks the Marlin Stadium has added new similar construction.

**3:56:02 p.m.**

R9D Discussion Regarding The Alton Road Medians.  
(Requested by Commissioner Edward L. Tobin)  
(Deferred from March 5, 2014)

**ACTION:** Discussion held. **Resolution 2014-28581 adopted.** Motion made by Commissioner Tobin; seconded by Commissioner Weithorn, to rescind the previously approved plan (Alternative III) at the July 17, 2013 Commission Meeting, and adopting a revised plan as detailed in the

motion. Motion made by Commissioner Tobin; seconded by Commissioner Weithorn to approve the revised plan as recommended. **Eric Carpenter to handle.**

**RECOMMENDATIONS:**

Move forward with the project without medians for now  
Public Works to come up with enhancements that will not slow the project

Commissioner Tobin explained that there was concern on the medians.

Mayor Levine stated that he discussed the issue with the residents and Nancy Liebman, and the idea is to move forward without medians for now. However, he requested from Public Works Department to come up with ideas without changing the completion date of Alton Road project, but potentially beautifying it and making it friendlier. The Commission is instructing Public Works to come up with some ideas, work with them, with Nancy Liebman, Scott Robins and the group.

Commissioner Tobin stated that medians are important. Discussion continued regarding the opportunity to do electric streetcar through the middle.

Nancy Liebman spoke.

Jimmy L. Morales, City Manager, stated that FDOT is looking for guidance from them.

Jose Smith, City Attorney, explained that this Commission is revising a previously approved plan, therefore, they must rescind the prior approval and replace with new direction.

Motion made to rescind the previously approved plan and adopt a revised plan as detailed in the motion. Motion made by Commissioner Tobin to move forward with the project without medians for now, and for Public Works to come up with enhancements that will not slow the project; seconded by Commissioner Weithorn.

**4:02:17 p.m.**

R9E Discussion And Staff Update On The Lower Middle Beach Road Construction Project.  
(Requested by Mayor Philip Levine)

**ACTION:** Discussion held. Heard in conjunction with Item R7M.

**9:23:11 am.**

**SUPPLEMENTAL MATERIAL 2:**

**Memorandum from Ricky Arriola, Chair of the Mayor's Blue Ribbon Panel on North Beach**

R9F Report From The Mayor's Blue Ribbon Panel on North Beach.  
(Requested by Mayor Philip Levine)

**ACTION:** Discussion held. Verbal report given. **Item heard in conjunction with C7S.** See motions below. **Item referred to Land Use and Development Committee.**

**C7S MOTION:**

**ACTION:** Item separated by Commissioner Steinberg. **Resolution 2014-28560 adopted as amended.** Motion made by Vice-Mayor Steinberg to revisit item C7S in 18 months with quarterly LTC reports given by the administration, and the development of criteria; seconded by

Commissioner Tobin; Voice-vote: 6-0; Absent: Commissioner Wolfson. **Max Sklar to handle.**

**TO DO ON C7S:**

- Revisit item in 18 months;
- Issue quarterly LTC reports; and
- Develop criteria.

**R9F MOTION:**

Motion made by Commissioner Malakoff to refer to the Land Use and Development Committee the discussion of the transfer of development right program for North Beach; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson. **Thomas Mooney to place on the committee agenda and to handle.**

Mayor Levine introduced and thanked the members of the panel for their hard work.

Ricky Arriola, Chair of the Mayor's Blue Ribbon Panel on North Beach, stated that it is a privilege to speak on behalf of Margueritte Ramos and Daniel Veitia. The panel members have been busy looking at a number of initiatives, some new, some old, and some coming out of meetings with the community, staff and the Commission. They are enjoying their work; it is a very exciting time to be in North Beach. There is an amazing energy and this will be the place to be. They are focusing on things that they can do this year and in the coming months that will have a significant impact on the North Beach residents. He recognized City staff for their professionalism in working with them: Jeff Oris, Max Sklar, Kathie G. Brooks, City Manager Jimmy Morales, Glenda Hall and Eric Carpenter.

Some of the initiatives are: Improving cosmetically storefronts, landscaping, promoting the outdoor living and lifestyle, lighting, North Beach branding, whether is classic MiMo history or outdoor lifestyle; reopening of the Normandy Fountain; exploration of transfer of development rights, particularly as it relates to the 71<sup>st</sup> Street area; short-term rentals to address the needs of tourists that need that type of accommodation, entry features and signage; reinvigorate and encourage more festival and events in North Beach; Bandshell programming, working on a Bandshell tent; improving the aesthetics of electrical utility and transformer boxes, which are unsightly (transforming them into art pieces). They are exploring utility box wrapping or painting, which has been done in Fort Lauderdale; bridge painting/cosmetic upgrade; promote outdoor living/recreation – increase and improve kayak launch sites, improve North Shore Open Space Park security, improve lighting and safety at the Park; Basis of Design Report for North Shore neighborhood – bring to current standards, accelerate number of projects, including parking lots and neighborhood streets designed to maximize potential for tree canopy and appropriate landscaping, pedestrian walkways and safety, engaging a professional world-class consultant to help master planning for the North Beach area, rather than doing this in a piece meal fashion to compliment South Beach and the opportunity to do something with the Carlyle Theater. Lastly, they looked into parking, City owned land/how to compliment parking and other development, and the possibility of having a Skate Park. He recognized Margueritte Ramos and Daniel Veitia for their knowledge about North Beach.

Mayor Levine stated that their leadership, knowledge and activism are amazing, and he thanked them on behalf of the City Commission for the work they have done. Their ideas are superb and he looks forward to moving them on, as it is time to get started.

Discussion held.

City Manager Morales stated that items C2F, C7D, C7S and R7B are related items to North Beach.

Vice-Mayor Steinberg wants to make sure that the quality of events they are getting are in compliance with the vision they have for North Beach. She suggested revisiting the item in 18 months revisited and send LTC.

Commissioner Weithorn requested to place criteria as well.

Mayor Levine agreed with to revisit the item in 18 months and include the criteria.

Commissioner Malakoff suggested referring short-term rental issue to Land Use and Development Committee.

Commissioner Weithorn has been besieged by comments from the neighborhood that they do not want short-term rentals to be discussed and that they want to weigh in during the meetings. She feels the issue of short-term rentals is premature to send to Land Use but feels that transfer of development rights is critical.

Motion made by Commissioner Malakoff to refer to the Land Use and Development Committee the discussion of the transfer of development right program for North Beach; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson.

Commissioner Weithorn thanked the North Beach community for attending last night's meeting and for their involvement; and she thanked everyone, those here today and those watching at home. She also thanked Mark Causey for his efforts in getting the community involved. She announced that tonight is Food Truck night and invited everyone.

Commissioner Malakoff asked if a motion is needed to hire a master plan consultant for North Beach. Mr. Arriola suggested waiting until all the recommendations from the panel are concluded, and to look at them holistically. Commissioner Malakoff stated that she thinks a Master Plan consultant is urgently needed, in order to take care of resident and business interests.

Mr. Arriola added that in June, they are promoting a World Cup Festival at the North Beach Bandshell and Segafredo and Havana 1957 will confirm their sponsorship.

Motion made by Vice-Mayor Steinberg to revisit item C7S in 18 months with quarterly LTC and the development of criteria; seconded by Commissioner Tobin; Voice-vote: 6-0; Absent: Commissioner Wolfson.

- R9G Discussion Regarding Development Project And Public Park Proposed For 500-600 Alton Road.  
(Referred by Land Use & Development Committee)  
(Legislative Tracking: Planning)

**ACTION:** Item withdrawn.

**1:35:16 p.m.**

R9H Discussion Of The Ad Hoc Charter Review Board's Recommendations Regarding Amendments To The City Charter.

(City Clerk's Office)

**ACTION:** Discussion held.

Stephen Zack, Chair of the Ad Hoc Charter Review Board, introduced the members of the board present: Richard Alhadeff, Rick Kendle, Sarah Johnston, and Sherry Roberts Kaplan. He stated that all members have spent many hours working on Charter issues and they deserve the City's appreciation. He gave a brief background of the three previous Charter Review Boards, which he also chaired. Some 21 odd years ago, he was asked to review the Charter on behalf of the City, and it was 195-page document. It was so obsolete that the legal description was wrong. The concept behind the revised Charter was to turn it into a document that could be read by anybody who was coming before the Commission the night before and understand what their rights were. As a matter of fact, the first three pages of the new Charter that was passed, was the Citizens' Bill of Rights. In addition, at the time it was adopted, it was one of the first in the country, and it has been honored by this Commission, and it has been also adopted by many Commissions around the country. Since this is a fundamental document, this board does not look to change it, and it should be changed rarely and only for the important issues. There are a lot of things that were brought to the attention of the Review Board that were important, and there are things that you should consider as Commissioners, but you are the elected officials and you are the ones to consider those issues by resolution. He hopes that the next group of folks that take part of this Board at some point in the future will continue to understand the historical background of the Charter.

**PRESENTATION:**

Section 801 of the Charter states that the Charter will be reviewed every ten years from November 3, 1993. On November 12, 2012, via resolution, this Commission created the Ad Hoc Charter Review Revision Board that reviewed the City Charter and presented the City. At that time, that particular group held 15 meetings prior to its recommendation. The Ad Hoc Review Board expired on January 1, 2014, but by resolution, on December 11, 2013 there was a new Ad Hoc Review Board created to make additional recommendations. There were many things that they dealt with and the Commission adopted their recommendations at that time, but there were a lot of clean up issues that required additional time. The Board continued, and they were happy and honored to do so. New members were appointed and the members did a comprehensive review of the Charter. They held six meetings and promoted their meetings on the webpage, MBTV, and in the Neighbor's Section of The Miami Herald, as well as in the City's social media outlets, in order to give as much notice as possible to the citizens. Every citizen that attended the meetings was given a chance to be heard. He recognized particularly Commissioner Malakoff, who despite her busy schedule, attended every single meeting, and was helpful in guiding them to a number of the decisions that they were able to make.

The CRB will sunset on May 2, 2014 unless this City Commission decides to continue it, which is a recommendation they will make at the end of the report. He asked the City Commission if they would be interested in the Board reviewing the item of voter reform, they would need to consider extending their jurisdiction.

Mr. Zack gave a special thanks to City staff; Outside Counsel Jean Olin, City Attorney Jose Smith, Chief Deputy City Attorney Don Papy, First Assistants City Attorneys Debora Turner and Gary Held, as well as City Clerk Rafael E. Granado, who was spectacular in making sure that the



trains ran on time. A special thanks to Jose Gonzalez, Transportation Manager, who was there to discuss the traffic issue, Georgie Echert, Finance Assistant Director, Commissioner Malakoff, Miami Beach United and Nancy Liebman, Terry Bienstock, Mark Needle and Victor Diaz.

Discussion was held regarding proposed amendments.

Commissioners Tobin and Weithorn suggested holding a workshop.

Commissioner Malakoff explained that there is urgency for getting this through to get it on the August ballot. The reason for August is that they would really like to have the opportunity to educate voters on the topics before they vote on them. In November, the ballot will be full of with County and State questions and candidates, and not just the City's ballot questions. There is a better chance for educating Miami Beach voters in August.

Mr. Zack referred to page 2 and stated that the deadline to adopt resolutions of the August 26, 2014 Election is June 6, 2014 is July 23, which is the last Commission Meeting to adopt the resolutions calling for the November election.

Motion made by Commissioner Malakoff to schedule a Commission Workshop before May 21, 2014; seconded by Commissioner Tobin; Voice vote 6-0; Absent: Commissioner Wolfson.

Commissioner Weithorn suggested keeping the committee a little longer in case there are any questions during the workshop.

Stephen Zack recognized Vice-Chair Jonathan Beloff.

**9:01:30 a.m.**

R9I Update From Commissioner Sally Heyman's Office.  
(City Manager's Office)

**ACTION:** Discussion held.

Miami-Dade County Commissioner Sally Heyman introduced Alexis Mosley, a new member of staff, who is very familiar with Miami Beach. She served the community as staff member to State Senator Dan Gelber and is here for constituent outreach. County Commissioner Heyman acknowledged that it has been a pleasure working with this City and the Administration as it transitions and she is delighted as how fast things are moving. She explained her priorities:

- 1) The foremost priority is to expedite the water sewer bonds with Baer Johnson, Miami Beach resident, to get the first issue of bond on water sewer coming to Miami Beach and the barrier islands.
- 2) Transition issues associated with Venetian bridge. The bridge on the west will be absolutely shut down, closed, taken down and then reconstructed, built new and historically aesthetically managed. It will be an absolute disruption and termination of services for nine (9) months. They have prioritized this as a project, and will work with a point person from Miami Beach, City of Miami and Miami-Dade County. Services will be challenged but hopefully will continue, such as transportation, garbage, recycling, first responders, and police.
- 3) Beach restoration, Pinetree and La Gorce, they are working with the City Manager and Assistant City Manager Kathie G. Brooks, to have a quarter of a million investment. However, by law they cannot have something permanent, so they need to find another solution.

- 4) GOB money has been secured; Mayor Levine is in the MPO, and the County will ensure that the entire pot of money remains when ready to proceed in increments of expenditures with the Convention Center.
- 5) North Beach Redevelopment: she will represent proudly and do whatever they can do to expedite she will do.
- 6) Working on the audible pedestrian signals: under the new ADA requirements, instead of repairing what is old and inappropriate, it will be restructuring all audio signals.
- 7) Coming is a free spay/neuter program for residents to address feral cat problem.
- 8) Bayanza event with a shoreline clean-up plan
- 9) 26<sup>th</sup> Annual AIDS Walk

Mayor Levine asked the City Manager to consider emergency trolleys on the Venetian Causeway for the residents to help while the bridge is down.

Commissioner Weithorn asked County Commissioner Heyman if she can get the City involved with Miami-Dade County to see what is viable. Discussion held.

Commissioner Heyman stated that she cannot tell until they start the construction, trolley works, they are doing mini buses work but the problem is that they have to be ADA accessible. They are proposing mini buses with STS truck trailing behind. The problem is getting them across when they close the West Bridge, but they will provide Administration with the information.

Jimmy L. Morales, City Manager, explained that the biggest challenge is when they close the West Bridge, they will have to look at alternatives, and probably discuss with the City of Miami to provide back up for police and fire to other islands.

Commissioner Heyman stated that first responders in the command center attended a meeting held last night and municipalities will work this out.

Commissioner Malakoff asked if a trolley can be added, specifically for Belle Isle, as an emergency, as there is a real need for citizens who do not drive and have no way of getting around unless they use the County bus system. **City Manager's Office to handle.**

#### 1:51:18 p.m.

R9J Public Hearing To Consider Changes In Designation, Use, And Modification To The Plans, Approved For The Par 3 Golf Course Located At 2795 Prairie Avenue, Miami Beach, 33140, As Provided In The Stipulated Settlement Agreement Approved And Adopted By The 11th Judicial Circuit Court In And For Miami-Dade County On October 28, 2011 In Bayshore Homeowners Assoc., Inc. v. City Of Miami Beach, Case No. 07-42998. **1:45 p.m. Public Hearing**  
(Requested by Commissioner Edward L. Tobin)  
(Legislative Tracking: Parks & Recreation/City Attorney's Office)

**ACTION:** Discussion held. **Item opened and continued.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to open and continue the item to April 30, 2014 at 5:30 p.m.; Voice vote 6-0; Absent: Commissioner Wolfson. **John Rebar and City Attorney's Office to handle.**

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 875, published April 17, 2014.

**9:10:29 a.m.**

R9K Presentation By Michael Tilson Thomas, Founder And Artistic Director Of The New World Symphony, Thanking The City Commission For The Public/Private Partnership With The City.  
(City Manager's Office)

**ACTION:** Discussion held.

Mayor Levine introduced Mr. Tilson Thomas.

Michael Tilson Thomas thanked the Administration and the City Commission for a wonderful partnership during these past years. He has been a resident of Miami Beach for 26 years, and has been happily involved with the City's continuing development and transformation. He is proud to be the Artistic Director of New World Symphony, which along with the ballet and other art companies have taken a part in this transformation. When he sees the crowds that attend the events, he knows this has been an amazing successful social experiment. They have future possibilities to think about related to some Art in Public Places issues and other projects he has worked on in Boston, Japan and London. He stated that they were successful in their partnership and making a balance happen between how something can feel beautiful and protected among the public places where people can enjoy the space as well as the programming. He asked to consider having a few signs that tell people when they come to Miami Beach where the New World Center is located.

**SUPPLEMENTAL MATERIAL 4: Additional Information**

R9L Discussion Related To Tourist Sightseeing Buses.  
(Requested by Mayor Philip Levine)

**ACTION:** Discussion held.

Commissioner Wolfson requested the item be deferred, as he will be leaving to a funeral.

Assistant City Manager Kathie G. Brooks explained that this was a supplemental item giving a status report. Ms. Brooks added that the Administration is taking a draft of the RFQ to the Neighborhood/Community Affairs Committee on Friday.

Commissioner Wolfson stated that with this explanation, he deemed the item covered and there was no need to open and continue it.

**4:02:37 p.m.**

R9M Discussion: Recommendation Of The Land Use And Development Committee To Authorize The Administration To Prepare A Request For Proposals (RFP) For An Analysis Of The Existing Land Development Regulations And To Prepare Form-Based Land Development Regulations That Incorporate All Of The Regulations In The Current Code.  
(Planning)

**ACTION:** Discussion held. **Request authorized.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice vote: 5-1: Opposed: Commissioner Tobin; Absent: Commissioner Wolfson. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, introduced the item. The LUDC held a special workshop on

March 31, and took a fairly large amount of public testimony and referred the matter to the City Commission, recommending that the City Commission authorize the preparation of an RFP that includes an analysis of the existing Land Development Regulations "LDR's" and to prepare a form-based LDR that includes all regulations in existing LDR's. Administration agrees with that recommendation. He introduced staff members if there are questions.

Commissioner Grieco explained that based on the presentation at LUDC the recommendation was to go forward with this.

Commissioner Weithorn asked at committee that each Commissioner be updated on this, as this is a complicated issue.

Mr. Mooney distributed the PowerPoint presentations among the Mayor and Commissioners. Mayor Levine asked for a tutorial. **Thomas Mooney to handle.**

Commissioner Malakoff stated that for members of the public who had concerns with using form-based code, there is a predictability that comes with this that does not come with the existing ordinance, and she thinks that is important; it also does not increase or decrease the allowable development rights.

Discussion continued.

Commissioner Weithorn added that the use question can still be handled as always, this is only as form, not use.

Commissioner Tobin commented that this will allow an increase or decrease in allowable development rights. He read language on page 1379, first second, fourth paragraph..."specifically the proposed regulation would not decrease or increase the allowable development rights for any district." Outside of the districts, increase or decrease of development rights would be allowed. There is a lot of unused FAR in the City and he has only heard a few minutes that form-based is a good idea. He will vote no until he sits with someone from Planning.

Jimmy L. Morales, City Manager, stated that any movement of FAR will require a referendum under the Charter.

Discussion continued regarding TDR's in North Beach.

Joe Jimenez, Assistant City Manager, explained the differences and there was discussion of looking at this holistically citywide.

Commissioner Tobin is not sure that he wants any development in Miami Beach until they figure out how to deal with the traffic congestion.

Commissioner Malakoff asked that they do not confuse both planning tools. What is before them is authorizing the preparation of an RFP, which includes an analysis of the existing LDR and to prepare form-based LDR's including the incorporation of all the regulations in the existing LDR. She wants to move forward with that and asked staff to meet with Commissioner Tobin.

#### Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 879, published April 20, 2014.

**6:05:41 p.m.**

R9N Public Input/Discussion Regarding The Proposed Major League Soccer (MLS) Stadium At The Port Of Miami, And Its Potential Effects On Traffic Congestion On The MacArthur Causeway And Miami Beach. **6:00 p.m. Public Input/Discussion**

(Requested by Mayor Philip Levine)

**ACTION:** Discussion held.

Mayor Levine explained that this City Commission is in support of having soccer in Miami-Dade County; it will be fabulous for residents, but they believe that putting a Major League Soccer Stadium in the Port of Miami is inappropriate and will result in negative detriment to the residents and businesses of Miami Beach. The Port Tunnel will create more traffic congestion in the MacArthur Causeway. Unfortunately, the Venetian Island Bridge needs to be rebuilt, and it will be out of service for nine months. This forum is to hear from residents as to how they feel about this issue. They have invited the MLS representatives to hear their vision.

A PowerPoint Presentation was shown.

Neisen Kasdin, representing Miami Beckham United, opined that a stadium should not create congestion on the causeway. Based on the analysis, they do not expect the operations of a Port of Miami professional soccer stadium to adversely impact traffic in or upon entering Miami Beach. The reasoning: traffic for soccer matches would be distributed between Port's Dodge Island and downtown Miami. Of the 6,400 cars expected at each match, one-third would park at the Port and the rest would park downtown in garages and lots now used by Miami Heat fans. Three-quarters of soccer fans parking at the Port would use the soon-to-be-inaugurated Port Tunnel that connects to the MacArthur. The tunnel can handle that volume of cars, based on capacity estimates listed in the Port's master plan. Nine hundred cars could fit in the Port Tunnel before one car backs up on the causeway.

Frank Del Vecchio spoke and discussion held.

Jose Gonzalez, Transportation Manager, stated that a preliminary analysis of the stadium proposal shows that the number of vehicles per hour on the causeway would increase from 2,700 to 5,100. "So we are concerned," said Gonzalez.

Discussion continued.

The following individuals spoke:

Bill Talbert, President and CEO of the Greater Miami Convention & Visitors Bureau

John Fox, President of the Miami Seaport Alliance

Ray Breslin

Commissioner Grieco stated that he is a soccer fan, but there is something that has not been discussed when it comes to traffic impact, which is that in 2018 the State will be redoing the bridge that connects the mainland with Watson Island, which is just to the west of the entry to the Port. This is something that should be considered, and how that will impact traffic years from now. He will reserve judgment on this but wants to hear comments on traffic when it comes to these events.

Commissioner Tobin stated that, with all due respect to Mr. Kasdin, he feels this will be bad for the City of Miami Beach and the City of Miami. He added that the City of Miami could not

accommodate the traffic to the Port of Miami, and that is why they built the tunnel. This is going to create total gridlock. In addition, the stadium would have major retail component that will also create major gridlock. He agreed with Commissioner Grieco and his concerns of increased traffic congestion during events while under construction. The Port is a major economic driver, and the City would be foolish to do anything to tamper with all the economic benefits the community gets, but putting major retail in a soccer stadium is a bad idea, and they need to rethink this.

Mayor Levine stated that many people say that this is a massive commercial retail deal disguised as a soccer stadium.

Neisen Kasdin explained that what was being worked on, until the soccer stadium proposal came along, was a true proposal for a large-scale commercial development of seven million square feet, which they felt it was wrong for that site, for downtown, and a bad deal the County. The stadium itself takes up approximately 60% of the 22 acres. There is some limited additional land available for development, perhaps for hotels or office buildings, with very limited retail.

Mayor Levine asked why can MLS play soccer in the Marlins baseball stadium?

Neisen Kasdin explained that MLS today is different that it was years ago, and the successful franchises require a purpose built stadiums, such as in Seattle, Portland, Houston and one franchise that is coming up in New York. These stadiums have 20,000 to 25,000 seats, and they do not want a large stadium that will look half-empty, so they want the stadium in an urban location; it just does not work in a baseball stadium.

Discussion continued.

Vice-Mayor Steinberg stated that historically Miami Beach has taken the position to have great concern when development and construction affect the island. They have a traffic issue and she is inundated with concerns from the people she represents with the traffic.

Discussion held.

The following individuals spoke:

Bill Talbert, President and CEO of the Greater Miami Convention & Visitors Bureau, spoke.

Pierre De Augustine

Ahmad Lee Khamsi

Valerie Navarrete

Alberto Machado

Ron Bernersky

Katherine Moore, representing Miami Football Club

Peter Luria

John Fox, President of the Miami Seaport Alliance

Commissioner Weithorn explained that they were concerned with the Port Tunnel and its negative effects on Miami Beach, and the proof is in the condition of The Venetian today. Her concern is on these days when they have extra traffic, and then additional vehicles will continue to travel, and she worries about the historic bridges and causeways that they will continue to exacerbate something that was never designed for this type of traffic. She wants them to deal with the aesthetics and the history of the causeway.

Mayor Levine stated that Miami-Dade County should have been focused on maintaining the Venetian Causeway instead of the soccer stadium.

Discussion continued.

Eric Riel, Miami Downtown Development Authority, noted that the 15-member board passed a resolution unanimously supporting the location of the franchise at the Port. They are opposed to any types of commercial development, which the Port proposes eight million square feet and the increased traffic impact; they are also concerned about the potential impact that the mixed-use development will have in terms of the market in downtown.

Discussion continued.

Mayor Levine capped the meeting with a tongue-in-cheek proposal to build a stadium between active runways at Miami International Airport, noting that both the seaport and the airport are major economic drivers. He handed out flyers that read, "This proposal is fictitious and clearly as ridiculous, impractical and illogical as putting the MLS stadium in Port Miami."

Miami Beach Mayor Philip Levine thanked all the residents for attending the meeting and for their input.

Handout or Reference Materials:

1. Memorandum from Kimley-Horn and Associates, Inc., dated April 23, 2014 from John J. McWilliams, P.E., to Miami Beach City Commission, RE: Miami Beckham United Port of Miami Soccer Stadium.
2. Email from Marcos Lapciuc [marcos@precisiontrading.com](mailto:marcos@precisiontrading.com) dated April 22, 2014 RE: City of Miami Beach Hearing on Miami Beckham United Project at Port of Miami.
3. Proposal to locate MLS Stadium within Miami-Dade's Top Economic Generator, Miami International Airport/Advantages – NY Times article by Andrew Das and David Waldstein dated April 14, 2014 titled "SOCCER;" Article dated March 6, 2013 titled "ML Soccer Biggest Lobbyist in 2012 – High Line chair's Co Big Winner. Article from NY Post dated December 11, 2012 RE: MLS spent a ton on lobbying.

**3:25:08 p.m.**

R9O Discussion Regarding UNIDAD Senior Center in North Beach.  
(Requested by Mayor Philip Levine)

**ACTION:** Discussion held.

Mayor Levine introduced the item. UNIDAD Senior Center has been closed due to construction litigation, and he is happy to report that due to the efforts of Brad Meltzer, from Plaza Construction, and Victor Diaz, they have reached an agreement, and they are excited that UNIDAD will be open soon.

Margarita Cepeda, Executive Director, UNIDAD, recognized Mayor Levine for his leadership in the negotiations. They are looking forward to completing this project and continue serving the community as they have done in the past. She also recognized UNIDAD's board and Victor Diaz.

Mayor Levine thanked Ambassador Paul Cejas and Scot Robbins for their efforts during the negotiations.

Commissioner Weithorn requested notification when they can tour the facility. **Maria Ruiz to handle.**

Mayor Levine thanked Kathie G. Brooks, Assistant City Manager, for her efforts as well.

**4:14:47 p.m.**

R9P Discussion Regarding The Reduced Bus Service To The Venetian Causeway.  
(Requested by Vice-Mayor Micky Steinberg)

**ACTION:** Discussion held.

Vice-Mayor Steinberg introduced the item. This is not just about the connectivity between Miami and Miami Beach, it is also about the residents in Belle Isle, where you have elderly people that cannot have the attendants come to work because of the lack of bus service. You have children that cannot get to school. It is a real issue, so whatever we can do, whatever pressure we can put on Miami-Dade County to act quickly is imperative.

Jimmy L. Morales, City Manager, stated that they are in constant communication with Miami-Dade County Transit. The City has forced them to change on different occasions how they are approaching things. The biggest problem is when the bridge comes down on the west end; and while that comes down our bridges to the east will have their tonnage also lowered. City staff is working and is staying on it, and will try to figure out how to move people around.

Former Commissioner Nancy Liebman spoke. She called the situation a disgrace. Commissioner Liebman recalled that the last time they had a major repair to the bridges, about 20-25 years ago, they put a pontoon bridge and it worked perfectly and she wants the City to demand that.

Vice-Mayor Steinberg spoke about the impact the jets of water propelled by jet skis have on the bridges.

Mayor Levine requested that the City look into a pontoon bridge.

City Manager Jimmy L. Morales stated that they will reach out to the County on the subject of the pontoon bridge. **Eric Carpenter and Jose Gonzalez to handle.** City Manager Morales encouraged the residents to also to reach out to the County Commission offices, because at the end of the day it is the County's system and legal obligation to correct.

Eric Carpenter, Public Works Director, explained that the pontoon bridge came up last night in his discussion with County officials regarding the bridges on the Venetian. The County's response was that the pontoon bridge was for a shorter span, and what they will be repair on is twice the length of what a pontoon bridge commonly accommodates, they are not sure if they could find a pontoon bridge of the required span. Mr. Carpenter added that we should explore it further, but I wanted to share the discussion that took place.

Mayor Levine requested that the Transportation Director, Jose Gonzalez, look into this. Mayor Levine stated that he bets that there is an American group or company, maybe even a European one, which has the type of pontoon bridge that is necessary.

Eric Carpenter stated that he firmly believes that there is an engineering solution to every problem.



Commissioner Malakoff stated that we need the Army Corps of Engineers.

**9:52:17 a.m.**

R9Q Discussion Regarding Amending Ordinance(s) To Prohibit The Riding Of Bicycles On Sidewalks Citywide, But Remaining Allowable In City Parks.

(Requested By Commissioner Michael Grieco)

**ACTION:** Discussion held. Item referred. Item heard in conjunction with item C4L. Motion made by Commissioner Grieco to refer to the April 25, 2014 Neighborhood/Community Affairs Committee items C4L and R9Q; seconded by Commissioner Weithorn; Voice vote; 7-0. Vania Pedraja to place on the committee agenda. **City Attorney's Office and Jose Gonzalez to handle.**

**REFERRAL:**

Neighborhood/Community Affairs Committee

**City Clerk's Note:** See discussion with item C4L.

**2:01:04 p.m.**

R9R Discussion Regarding Reduced Or Free Parking For Scooters.

(Requested By Commissioner Michael Grieco)

**ACTION:** Discussion held. Heard in conjunction with item R5Q. See discussion with item R5Q.

**4:21:09 p.m.**

R9S Discussion Regarding Proposing A Ban On The Sale Of Polystyrene Products.

(Requested By Commissioner Michael Grieco)

**ACTION:** Discussion held. Commissioner Grieco wants to move this forward aggressively and the City Commission recommended to:

1. Start implementing a ban on polystyrene products with those local businesses that rent City properties; and
2. City Manager's Office to administratively prohibit the purchase of polystyrene products by City Hall Departments. City Manager's Office to find funds for the cost difference between polystyrene and biodegradable products.
3. The City Attorney's Office to research implementation of a ban on the sale of polystyrene products on Miami Beach.

**Raul Aguila to handle item 1. City Manager's Office to handle item 2. Debora Turner to handle item 3.**

Commissioner Grieco explained that the City is trying to ban polystyrene products, and he has been advised that there may be a pre-emption by the State. He disagrees, as this is a conservative assessment of the Statute. The language under the Statute reads: "No municipality may pass any laws or ordinances regarding the packaging of products." He does not think this

applies to the packing of products as they are referring to cups for coffee, coolers for the beach, etc.

Commissioner Weithorn stated that the Styrofoam is illegal on the sand, and asked that whatever is done here that that ordinance is not touched. Discussion held.

Raul Aguila, Chief Deputy City Attorney, will research and they will speak to the Department of Environmental Protection (DEP) directly and see if there is a way to find jurisdiction on the sale of these products in the City.

Discussion continued regarding liability challenges, and Mr. Aguila explained the process if there were suit issued.

Jose Smith, City Attorney, suggested asking the Attorney General for an opinion. Discussion continued. Mr. Aguila stated that he rather not asked the Attorney General for an opinion at this time, as he does not like to ask a question before he knows the answer.

Commissioner Weithorn requested starting with the Department of Environmental Protection (DEP).

Vice-Mayor Steinberg added that in the interim, they could incentivize businesses to ban polystyrene products.

Commissioner Weithorn stated that there are a series of private business on City properties and asked that the Administration enforce such a ban on the City's contractual vendors and let them know that if they are renting from the City, there will be no "to go" Styrofoam contained or any type of Styrofoam use in their establishments.

Discussion continued regarding the use of biodegradable products and the cost.

Jimmy L. Morales, City Manager, asked for funding for this purposes.

Commissioner Grieco wants to move this forward aggressively. City Manager's Office to find funds for the cost difference between Styrofoam and biodegradable products.

**4:27:40 p.m.**

R9T Discussion Regarding The Creation Of A Six Month Task Force Using The Smile Program That Was Brought Forth By The Community Relations Board To Be Implemented By The Miami Beach Police Department.

(Requested By Commissioner Michael Grieco)

**ACTION:** Deferred to the May 21, 2014 City Commission meeting by acclamation.

Commissioner Grieco stated that staff member that was making the presentation is not here today, and asked that the item be deferred until the next Commission Meeting.

**3:13:53 p.m.**

R9U Discussion Regarding ECOMB's Request To Discuss The Allocation Of \$25,000 From 2012 Waste Hauler's Franchise Agreement.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held.

Commission Tobin introduced the item and explained that he placed this item on the agenda to talk about what ECOMB does for the community and the \$25,000 grant they received for one year.

Luis Rodriguez, Executive Director of ECOMB, thanked the Commission for the opportunity to speak. ECOMB has been around for 20 years now as a nonprofit organization in Miami Beach. Mr. Rodriguez briefly explained the role of ECOMB in the City and community. Mr. Rodriguez added that due to the economic situation a few years ago, in 2012 ECOMB lost 70% of its funding. At the time, Mr. Rodriguez reached out to several Commissioners and requested their support for the first time for financial assistance to help cover some of the funds that they had lost, and it was agreed for the City to financially support ECOMB. So funds were allocated. He appreciates if Commission considers the work that ECOMB performs, when considering reallocation of the funds. ECOMB has the deliverables and receipts of all expenditures related to the \$25,000 that was received for the year.

Mr. Rodriguez will provide at the Neighborhood/Community Affairs Committee more detailed information as to the projects undertaken with the funds provided by the City. See item C4Q.

**City Clerk's Note:** See also item C4Q.

**4:28:01 p.m.**

R9V Discussion Regarding Police Administration Success In The Implementation Of The Miami Beach Police Department Physical Fitness Incentive Program.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held.

Commissioner Tobin introduced the item. The City Commission graciously said that for police officers that wanted to be in top physical shape, we would give a \$500 a quarter incentive for those officers that could pass a physical fitness test. As Commissioner Tobin understands it, 50 or 60 showed up the first time, and half of that showed up the second time. Although the

Commission rolled out something that would be great for morale and fitness, Commissioner Tobin does not know that the Police Department really ran with it or tried to implement it. Commissioner Tobin does not know if the Command staff considered morale and the health and fitness of the officers a top priority, so he brings this item forward to try to encourage the Police Department to take advantage of the Physical Fitness Incentive Program.

Jimmy L. Morales, City Manager, stated that the Commission will have the opportunity to select a new Chief of Police soon, and he thinks this could be among the tasks that are given to the new Chief, to implement the Miami Beach Police Department Physical Fitness Incentive Program.  
**New Chief of Police Oates to handle.**

#### **ADDENDUM MATERIAL 1:**

**9:49:44 a.m.**

##### **Announcement:**

Rafael E. Granado, City Clerk, announced the Closed Committee of the Whole listed below.

- R9W The Committee Of The Whole Will Meet On April 23, 2014 In The City Manager's Office Large Conference Room To Discuss The Threat Assessment And Response Plan For The City. (Closed To The Public Pursuant To The Exemptions Provided Under §§ 119.071(3)(a) And 286.0113(1), Florida Statutes).  
(Emergency Management)

**ACTION:** Discussion held.

**4:29:52 p.m.**

#### **ADDENDUM MATERIAL 1:**

- R9X Discussion And Referral To The Planning Board And The Land Use And Development Committee Of An Ordinance To Permit Additional Height For Garages In The RM-2 District, And To Permit Certain Garages Without Commercial Or Residential Units.  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Discussion held. Item referred. Motion made by Commissioner Malakoff to refer item to the Land Use and Development Committee; seconded by Commissioner Weithorn; Voice vote; 6-0; Absent: Commissioner Wolfson. Lilia Cardillo to place on the March 21, 2014 Commission Agenda. **Thomas Mooney to place on the committee agenda and to handle.**

##### **REFERRAL:**

Land Use & Development Committee

Commissioner Weithorn introduced the item for Commissioner Wolfson and explained that he had requested the item to be opened and continued, but since it is a discussion item, there is no need to open and continue, but the item is to come back at the next regularly scheduled May 21, 2014 Commission Meeting.

Commissioner Malakoff suggested referring the item to the Land Use and Development Committee first, because she wants to discuss it there before it goes to Planning. She explained that back in the 1990s, garages were built directly with the wall to the sidewalk, and the Board at that time changed the regulations for the Planning Department; the ordinance now reads that these must have habitable space on ground floors. She hesitates to change that.

**9:13:48 a.m.**

**ADDENDUM MATERIAL 1:**

**SUPPLEMENTAL MATERIAL 4: Resolution**

R9Y Presentation Of A Check From One Miami Beach, Inc. To Nautilus Middle School.  
(Requested by Mayor Philip Levine)

**ACTION:** Check presented. Certificates of Recognition presented to all contributors. **Resolution No. 2014-28582 adopted.** Motion made by Commissioner Weithorn, seconded by Commissioner Malakoff to adopt the resolution allocating \$70,000 towards the purchase of computers for Nautilus Middle School. Voice-vote: 6-0; Absent: Commissioner Wolfson. **Leslie Rosenfeld to handle.**

Mayor Levine stated that Rene Bellmas, School Principal, Beth Edwards and the Parent Teacher Student Association reached out to the City Commission and explained that they have a great need for computers at Nautilus Middle School. They visited the school along with Superintendent Alberto M. Carvalho and were impressed by all they do at the School. They raised \$70,000 to purchase the computers and recognized contributors from Miami Beach: Steven Bettel, David Edelstein, Wayne Chaplan, Michael Larkin, Jeff Bercow, Norman Braman and Wayne Boeisch. He presented certificates to all contributors.

Mayor Levine added that these funds were raised because of the great work this Commission is doing. Commissioner Tobin has been very aggressive on this issue, as he wants Nautilus to be the best school possible, as well as all his colleagues. It truly is a team effort and they all work together. He explained that One Miami Beach is an organization where they can raise funds within the City to help causes and residents in Miami Beach. Nautilus Middle School is the first beneficiary.

Beth Edwards, Vice-President of Advocacy, Nautilus School, thanked the City Commission and stated this will change the landscape Nautilus Middle School forever; it will re-energize the teachers as well as the new Administration. She thanked Dr. Karp, who donated \$11,000. With the PTA raising \$11,000, Dr. Karp's Office raising \$11,000 and the City with \$70,000, it is a completely new Nautilus, and they cannot thank them enough.

Commissioner Malakoff added that they want Nautilus to be the best middle school in Florida.

**4:31:21 p.m.**

**ADDENDUM MATERIAL 2:**

R9Z Discussion Regarding Shinola Clocks.  
(Requested by Mayor Philip Levine)

**ACTION:** Discussion held. Direction given to the Administration to reach out to Shinola and come back to the Commission with a proposal. **Joe Jimenez to handle.**

Mayor Philip Levine introduced the item. Shinola/Detroit, LLC is the company out of Detroit that is making watches in Detroit; it is the hottest thing right now, it is the rebirth of Detroit. The watches are completely manufactured out of Detroit. They had the Founder come to City Hall. The Company was recently featured in Forbes Magazine. The article stated that in Detroit they put a few of their street clocks, which are \$40,000 each; they are magnificent; they are very cool and hip. They reached out to them to see if they were interested in placing their clocks in

Miami Beach in a few locations, and they said they would love to do it. They will pay for them, install them and maintain them. The clocks are gorgeous, cool, and in certain locations around the City, they would be wonderful.

Commissioner Malakoff asked if Shinola would pay for them. Mayor Levine responded in the affirmative.

Commissioner Malakoff asked if clocks would have the "Detroit" label on them. Mayor Levine explained that they signify the City that went down and now is having a rebirth, with much going on in the inner core. Shinola has created a great deal of buzz and the Mayor thinks it would be a great thing for our City.

Commissioner Weithorn suggested giving direction to the Administration to reach out to Shinola and come back with a proposal that would be brought back to the Commission. There was consensus by the Commission on giving the Administration this direction. **Joe Jimenez to handle.**

Commissioner Malakoff inquired if the clocks will say Detroit or Miami Beach. Mayor Levine stated that they say, "made in Detroit" but little. The Mayor added that it is a cool opportunity, and nobody else is doing it - it would be fun.

**4:33:05 p.m.**

**NEW ITEM**

R9AA Discussion On Hiring The New Police Chief.

(Requested by Commissioner Ed Tobin)

**ACTION:** Discussion held.

Commissioner Tobin explained that he asked to put this item on the agenda because they may not get a chance to talk as a body prior to the actual appointment of the Police Chief, and he just wanted to put some thoughts out there about the Police Chief. Some schools of thought out there talk about hiring Police Chiefs sometimes as significant change agents. In those circumstances where you hire people to be significant change agents, many times they only come for two or three years. These individuals are told in advance that they have to make tough decisions and because of that, they are here for a limited amount of time, particularly in jurisdictions where command staff may go back to Union/Bargaining Unit positions. For some employees, these change agents can potentially ruin their career, and taking a high-ranking executives and moving them into the bargaining unit position is not easy. There is a school of thought that these change agents come in with the understanding that they are not necessarily moving their family permanently to the new location. They do not have to build friendships. Commissioner Tobin just wanted to put that out there. The Chief will have to make tough decisions.

Commissioner Tobin added that there is a movement to go regional - like homicide investigation. The City of Miami investigates the homicides, and every homicide investigator investigates six or seven homicides; the City of Miami Beach does not necessarily have that expertise. It takes thousands of dollars to train a great investigator, then said Officer will move on to another job relatively quickly - the City will spend that amount training somebody else, and that person might not investigate many homicides.

Commissioner Tobin explained that there is a tendency not to gore somebody's ox when you

come in and stay for five, six or ten years. The other problem with Police Departments is that they typically function on a surface level. Everyone thinks the Police Department is fine if the officers look good in the uniforms. You do not find out there is a problem until there is a big calamity and usually it takes time to see that deterioration. This is something to think about, and he is not advocating or saying it is impossible for someone to come here and make a lot of friends, but typically when you have to make the tough decisions in a Union shop, where you are going to have to fire and discipline many employees, a change agent comes in only for a short period. A change agent comes in, streamline processes and puts in best practices and acts as a caretaker, until someone takes over from the ranks.

Jimmy L. Morales, City Manager, stated that obviously it was not his intention to have the selected Police Chief Candidate information announced today. When he looked at candidates, both locally and nationally, one of the major factors was which candidate will be a change agent. The Chief is not here to win a popularity contest, but to make the Police Department the best it can be; and to develop the leaders of the future, so when the time comes, whether in three or five years, the logical next choices would be in house or have strong choices in house and that is part of the plan.

Jimmy L. Morales stated that it was not his intention before today's very busy meeting to discuss a Police Chief candidate, but leaks occur. The Manager will be recommending to the City Commission Daniel J. Oates as the Chief of Police for the City of Miami Beach. Chief Oates is career law enforcement professional and a lawyer by training. He began working in the field as a police officer in the 1980s, and today he is the Chief of Police of the City of Aurora, Colorado. The Mayor and Commissioners will have an opportunity to sit with Chief Oates prior to his confirmation. Mr. Morales stated to Commissioner Tobin that Chief Oates was a change agent in Ann Arbor, in a tough situation, and has done the same in Aurora. City Manager Morales thinks Chief Oates is looking forward to this next challenge. He reassured Commissioner Tobin that he would have that opportunity to meet Chief Oates and discuss those issues with him.

Commissioner Tobin stated that he was not quarreling with the City Manager's choice. He is saying that it is the recommended practice to let the candidate know what you expect, so we have a meeting of the minds in terms of expectations. Commissioner Tobin wanted to throw it out there so people can think about it.

City Manager Morales stated that Commissioner Tobin's point is very well taken, and he believes this Police Chief is not looking to win the award of Ms. Congeniality.

Vice-Mayor Steinberg asked the Manager when the Commission would get the Police Department audit results. The City Manager responded that he will find out, but he thinks it is imminent. **City Manager's Office to handle.**

**City Clerk's Note: The appointment of Chief Daniel J. Oates will be placed on the April 30, 2014 Presentations/Commission Agenda.**

**R10 - City Attorney Reports**

R10A City Attorney's Status Report.

(City Attorney Office)

**ACTION:** Status report given.

**9:48:36 a.m.**

**Announcement:**

Jose Smith, City Attorney, announced the Closed Attorney-Client Session listed below.

R10B Closed Attorney-Client Session

Pursuant To §286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matter:

City Of Miami Beach v. Hargreaves & Associates, et al. Case No. 10-61979 CA 03 Circuit Court, 11th Judicial Circuit.

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On April 23, 2014, In The City Manager's Large Conference Room, Fourth Floor, City Hall To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation Matter.

The Following Individuals Will Be In Attendance: Mayor Philip Levine; Members Of The City Commission: Micky Steinberg, Joy Malakoff, Michael Grieco, Edward Tobin, Deede Weithorn And Jonah Wolfson; City Manager Jimmy Morales, City Attorney Jose Smith, First Assistant City Attorney Steven Rothstein, Richard Lydecker, Esq., Meredyth Cooper, Esq. And Mark Hendricks, Esq.

**ACTION:** Announced and held.

**1:34:44 p.m.**

Jose Smith, City Attorney announced that the Closed Attorney Client Session has been completed.

**Reports and Informational Items**

1. Reports and Informational Items (see LTC No. 126-2014).
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.  
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.  
(City Clerk's Office)

**End of Regular Agenda**

Meeting adjourned at 7:11:14 p.m.

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